RYAN, Mr. THONE, Mr. WRIGHT, and Mr. ZION):

H.R. 8536. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. SIKES (for himself, Mr. FUQUA, and Mr. FREY):

H.R. 8537. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

By Mr. SKUBITZ:

H.R. 8538. A bill to amend part II section 204 of the Interstate Commerce Act to establish limitations on Federal regulation of small trucks and trucks engaged in local hauling of farm products; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. PELLY, Mr. ANNUNZIO, Mr. PUCINSKI, Mr. PIKE, Mr. CARTER, Mr. ASHLEY, Mr. KING, Mr. WYDLER, Mr. GROVER, Mr. TERRY, Mr. DENT, Mr. MATSUNAGA, Mr. GALLAGHER, Mr. PRICE of Illinois and Mr. DENHOLM):

H.R. 8539. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself and Mr. BOB WILSON):

H.J. Res. 643. Joint resolution authorizing the President to proclaim the month of October 1971 as "Project Concern Month"; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. SIKES, Mr. GIBBONS, Mr. RONCALIO, Mr. PEPPER, Mr. HENDERSON, Mr. EILBERG, Mr. STEPHENS, Mr. UDALL, Mr. FLOWERS, Mr. MANN, Mr. FULTON of Tennessee, and Mr. BEVILL):

H.J. Res. 644. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. JONES of Tennessee:

H.J. Res. 645. Joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as "National Patriotic Education Week"; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. BAKER, Mr. BUCHANAN, Mr. CAMP, Mr. COLLINS of Texas, Mr. DERWINSKI, Mr. DEVINE, Mr. FLOWERS, Mr. JONAS, Mr. LENT, Mr. MINSHALL, Mr. MONTGOMERY, Mr. POAGE, and Mr. SCOTT):

H. J. Res. 646. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FASCELL:

H. Con. Res. 308. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Res. 444. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mrs. HICKS of Massachusetts:

H. Res. 445. Resolution condemning the harassment of American fishing vessels by Soviet vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of New Jersey (for himself and Mr. ASHBROOK):

H. Res. 446. Resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

177. By the SPEAKER: Memorial of the Legislature of the State of California, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

178. Also, Legislature of the State of West Virginia, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULVER:

H.R. 8540. A bill for the relief of Eleonora G. Mpolakis; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 8541. A bill for the relief of Adolfo Martin Laska; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 8542. A bill for the relief of Yang, Jung Ai and Yang, Hye Jung; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COMPREHENSIVE CHILD CARE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mrs. ABZUG. Mr. Speaker, today Representative CHISHOLM and I are introducing, as cosponsors, a comprehensive child care bill calling for an appropriation of $5 billion, $8 billion and $10 billion over a 3-year period.

This bill is drafted as a series of detailed amendments to H.R. 6748, the bill introduced by Congressman BRADEMAS and other members of the Select Subcommittee on Education of the House Committee on Education and Labor, earlier in this session of Congress.

We feel that H.R. 6748 is a good bill, but that it does not go far enough. It provides child care only for American communities of an as yet unspecified size; it deemphasizes the needs of women; and—most important of all—it is unlikely to be funded at anything like the level necessary to meet the needs of the Nation's women and children.

Our bill tries to deal with these problems. In drafting it, we have relied heavily on the suggestions of other people—working mothers, community leaders and child care experts. Last February, for example, I called a public hearing on child care in New York City. There I heard many women testify to the need for round-the-clock child care, and we have specifically provided for such services in our bill.

At this point in the RECORD, I would like to include a copy of our bill, together with the testimony which I gave earlier this morning to the select subcommittee. I am also including the transcript of the excellent testimony given at our New York hearings:

H.R. 8402

A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) the absence of comprehensive child development programs has denied to thousands of American women the opportunity to achieve their full employment potential; (5) while no mother may be forced to work as a condition for using child development programs, such programs are essential to allow many parents to improve their economic condition by undertaking full or part-time employment, training and education; and (6) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

SEC. 101. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

SEC. 102. Funds appropriated under section 108 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including (1) assisting parent and community groups in developing such programs through seed money grants; and (2) developing and operating pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other languages spoken in the home;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel incorporating a career ladder structure to allow for a definite advancement from unskilled to skilled positions;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including, where desired, in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

SEC. 103. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State;

(2) any unit of general local government—

(A) which is a city; or

(B) which is a country or other unit of general local government and which the Secretary determines has general powers substantially similar to those of a city;

(3) any combination of units of general local government;

(4) a federally recognized Indian reservation; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection

(a) in the event that—

(A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within 120 days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 104 within 240 days of said implementation during the first fiscal year in which this title is funded or earlier than 90 days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (9) of this section not to be satisfactorily implementing a child development plan which adequately meets the purpose of this title; or

(B) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, preschool age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) and (4) of this subsection; or

(C) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families; or

(D) with respect to funds reserved pursuant to section 109(a)(3), the Secretary determines that sponsorship by such agency or organization will result in the establishment of a model project responsive to the needs of economically disadvantaged, minority group, bilingual or preschool age children, or to the needs of children of working mothers or single parents.

(b) Any State, unit, or combination of units of general local government or Indian reservation that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 104. Each Local Policy Council shall elect at least one representative to the Child Development Council; and two-thirds of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of officers of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or; pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size, composed of parents of children eligible to participate under this Act working or participating in training in a common area, or otherwise possessing a particular interest in the establishment of one or more projects under this Act, in the area to be served under the prime sponsorship plan. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan, and recommend applications for funding by the Child Development Council.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, or Indian reservation of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 104, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council; such council shall make a periodic review and evaluation of agency performance including but not limited to a review of guidelines, regulations and procedures of said agency.

(c) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(d)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area within the jurisdiction of a unit (or combination of units) of general local government or an Indian reservation which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(2) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(e) The Governor or appropriate State agency shall be given a reasonable opportunity to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

(f) Except as provided in subsection (d), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

(2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g)(1) If any party is dissatisfied with the Secretary's final action under subsection (f) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or as to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

SEC. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 103(b) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, including (A) priority programs for pre-school children 5 years of age and under, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts or night session;

(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such child from such funds as are received under section 109 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than the following percentages of the remainder of its allotment under section 109 for child development programs and services for economically disadvantaged children: 65 per centum of its allotment for the fiscal year ending June 30, 1973; 60 per centum of its allotment for the fiscal year ending June 30, 1974; and 55 per centum of its allotment for the fiscal year ending June 30, 1975.

(4) gives priority thereafter to providing child development programs and services to children of single parents or working mothers, without regard to socio-economic background;

(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

(6) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child whose family has an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to any child who does not qualify under (A) in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payments for such services;

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the establishment, conduct, and overall direction and evaluation of programs; establishes a program for assisting parent and nonprofit organizations in planning and developing childhood development programs;

(15) provides that, to the extent appropriate, programs will include participation by paid paraprofessional aides and by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(16) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(17) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(18) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary school children, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(19) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for coopera-

tive funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(20) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(21) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(22) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(23) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(24) set forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

(25) provides that emphasis will be given to continued funding of ongoing projects and that such applications, including but not limited to those which received assistance during the previous year under section 222(a)(1) of the Economic Opportunity Act of 1964, shall be denied continued assistance only upon determination by the Child Development Council, based upon the recommendation of the Local Policy Council, after opportunity for hearing before such Child Development Council, that the applicant no longer provides effective services;

(26) provides for mid-year termination by the Child Development Council of assistance to programs which no longer provide effective services or which fail to meet the requirements of the project application or of this title, upon the recommendation of the appropriate Local Policy Council, after opportunity for hearing before such Local Policy Council;

(27) provides that consideration will be given to project applicants submitted by public and private nonprofit organizations and that (A) comparative costs in relation to success offered shall be a factor in deciding among applicants and (B) that all applicants must meet the standards for service under authority of this title; and

(28) makes adequate provision for staff and administrative expenses of the local policy councils.

(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian reservation, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 105. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 103(b) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan; to any qualified public or non-profit private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) provide for participation by parents in the development and operation of child development programs;

(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 104.

(c) The appropriate Local Policy Council shall conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding.

(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 103(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds allotted under section 109 to the prime sponsorship area in which the section 103(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 103(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 109(a)(1).

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 106. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

PAYMENTS

SEC. 107. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

(2) The Secretary shall pay to each prime sponsor approved under section 103(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

(3) The Secretary shall pay to each prime sponsor approved under section 103(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian reservations.

(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 104(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 104(a)(3);

(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There is hereby authorized to be appropriated the sum of $5,000,000,000 for the fiscal year ending June 30, 1973; the sum of $8,000,000,000 for the fiscal year ending June 30, 1974; and the sum of $10,000,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS AMONG PRIME SPONSORS

SEC. 109. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 103(a)(5)(C);

(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children on Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian reservations for programs serving such reservations so that the amount apportioned to each such reservation bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children residing in such reservation bears to the total number of children residing in all such reservations; and

(3) a sum, not to exceed 5 per centum thereof, which shall be made available under section 103(a)(5)(D).

(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all . . .

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State;

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

OFFICE OF CHILD DEVELOPMENT

SEC. 110. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 111. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within 60 days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 112. (a) The Secretary shall, within 60 days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 111.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendations to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 113. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require that, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 114. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this

Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children, but not operation of child development programs for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(c) The day care services furnished as a part of the child care services furnished under a State plan approved under part A of title IV of the Social Security Act, or as a part of the child welfare services furnished under a State plan developed as provided in part B of such title shall be day care services made available under this title, and such services shall be deemed to meet the requirements of section 422(a)(1)(C) of the Social Security Act. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such title IV.

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 201. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child developement facility" means a facility of a public or private nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date, and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility or renovation, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability to meet the mortgage obligation. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage may involve a principal obligation of 100 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 112 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 301. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence: "There is additionally authorized to be appropriated the sum of $20,000,000 for the fis-

cal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

SEC. 302. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)".

SEC. 303. The Secretary of Health, Education, and Welfare is authorized to award grants to individuals employed in child development programs operating under the authority of title I of this Act and to such programs for the purposes of meeting the costs of ongoing inservice training for professional and nonprofessional personnel including volunteers to be conducted by an agency carrying on a child development program by a community or higher education institution, or by a combination thereof.

SEC. 304. There is authorized to be appropriated for the purposes of section 303 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 401. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 402. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 403. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

SEC. 506. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal Involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectivness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

SEC. 502. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 503. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

SEC. 504. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 103.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPG's for staff and administrative expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

SEC. 505. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION AND PURPOSE

SEC. 601. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

SEC. 602. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

GENERAL AUTHORITY OF THE CENTER

SEC. 603. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 501;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per

diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

SEC. 604. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

SEC. 605. (a) Funds available to any department or agency of the Government for the purposes stated in section 501 or the activities stated in section 502(b) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 501.

AUTHORIZATION OF APPROPRIATIONS

SEC. 606. There are authorized to be appropriated such sum each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

SEC. 701. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 702. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 703. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SEX DISCRIMINATION

SEC. 704. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under Title VI of the 1964 Civil Rights Act. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

DEFINITIONS

SEC. 705. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, medical, and physical services needed for children to attain their full potential;

(b) "children" means children through age 14;

(c) "economically disadvantaged children" means any children of a family having an annual income below the cost of family consumption of the Lower Living Standard Budget as determined annually by the Bureau of Labor Statistics of the Department of Labor.

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parents" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" describes any person who is Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" refers to person who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents is bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

(l) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

TESTIMONY OF REPRESENTATIVE BELLA S. ABZUG (D-NY.) BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR ON THE NEED FOR A NATIONAL DAY CARE PROGRAM—MAY 17, 1971

I am pleased to be here this morning to testify on the important matter of child care. The bill before you—H.R. 6748, the Brademas bill—is a good bill, a bill which takes the basic first steps toward providing comprehensive child care services in this country for all the women and children who need them. But Representative Chisholm and I believe that the universes of need are so great that this bill is inadequate. We plan to introduce a stronger bill later today, and I would like to describe it to you now.

The Brademas bill needs more emphasis on the needs of women; it needs coverage for small communities as well as for large urban areas; and above everything else it needs enough money to make it work.

Our bill proposes, first of all, an appropriation of $5, $8 and $10 billion over a three-year period.

Now some will say that in political terms such a figure is totally unrealistic. But I say that a figure that is anything less than that is totally unrealistic in practical terms. There are now in the United States an estimated five million children under five years of age whose mothers work. There are 18 million children under five in the population as a whole. If the cost of child care is roughly $1,600 per year (and estimates have run as high as $2,300), then we will need $8 billion just to meet the needs of those women who are already working. To provide comprehensive educational and health services for *every* child under five would cost us almost $28 billion annually.

Such figures seem "unrealistic" to us only because we have learned to give human needs low budgetary priority. We spend $70 billion a year on weapons and defense, and no one bats an eye. We pour a billion dollars into a useless white elephant like the SST, and when the plane turns out to be a dud we pour in millions more. Yet we refuse to support a program like this one—an innovative, creative program which enriches our children and liberates our women—at anything like an adequate level of funding.

It's especially ironic because other countries, such as those in Scandinavia, Israel, the Soviet Union and France, put us to shame when it comes to child care. We're terrorized that they might beat us in building a supersonic transport—but when it comes to child care, that's something else again.

I am outraged at this attitude—because you know and I know that we are the richest nation in the world, that we need these services desperately and that we have the capacity to pay for them if we only would.

A second major difference between the Brademas bill and our own bill concerns the size limitation for a prime sponsor. We feel that cities or units of local government of *any size* should be eligible to become sponsors on a first-option basis.

Now size limitation seems like a highly technical matter, and furthermore it's not anything that would affect either representative Chisholm or me directly. Obviously, New York City would qualify under any definition of size.

But, in fact, when you look at it a little more closely you see what a size limitation would mean. Small towns would not qualify to develop or operate their own child care programs. They would be covered by a statewide program, if indeed they were lucky enough to be covered at all. Parents and leaders in a local community would have no control over the kind of services their children might be offered. Many working people in small towns would not have any services at all.

We also take care in our bill to protect child care programs that already exist. Headstart of course is probably the most successful program we now have going. It has given thousands of children the closest thing yet to comprehensive child care and it makes no sense to abandon it now just because other funds would be available.

To protect such programs, our bill requires that no existing project will be terminated without a recommendation from a local policy council and a hearing before a child development council.

Why this concern about the rights of small communities and a handful of on-going programs? Simply because child care is one governmental program that must be close to the people. We cannot allow *this* program to cement itself into a rigid bureaucracy. Local educators, local professionals and paraprofessionals and parents must help to plan and administer child care projects if we are to create high quality services for our children.

This brings me to a much more basic criticism of the Brademas bill as it is currently written. Every one says that this is a children's bill. So it is, for one very important goal of the program is to help every American child—rich, poor and middle-class alike—reach his full social and educational potential.

This bill, however, is also a women's bill, and that is something no one seems to want to mention. Indeed, I find it highly ironic that a bill which talks so much of the potential of growing children fails even to mention the undeveloped potential of over half of our adult population.

Yet we can't deny that in our society it is the woman, rather than the man who normally assumes the burdens of child care. We can't deny that women, not men, lack the opportunity to achieve their full employment potential. We can't deny that women, rather, than men, are underpaid in the job market, and yet it's women—particularly the women who are heads of households—who must singlehandedly pay the costs of child care.

Of course I realize that though the general practice is for women to take care of the children in our society, some men need child care too. There are many men who are single working parents; and they should have access to child care facilities also.

Yet when we talk about this bill we must recognize that it is primarily a bill for women as well as for children and that our ultimate objective must be to make child care facilities available to every one of us.

Yes, women's rights is definitely an issue here, even though it seems taboo to talk about it. For this reason Representative Chisholm and I have added a number of strengthening amendments. As a starter, we've expanded the statement of purpose at the beginning of the bill to recognize that thousands of American women suffer themselves through the absence of child care. Isn't it clear yet that if a woman must stay home to mind the kids she won't be able to go to school—take a job—work harder for a promotion? Isn't it clear that she will be doomed to hold low-paying, low-prestige jobs that no man would hold still for?

Another amendment that will help women is one that will let the secretary designate a non-governmental sponsor not only to meet the needs of economically disadvantaged children, but also to provide services for preschool age children and children of working mothers regardless of income. Think for a minute what this would mean. It would let local groups of parents and women set up child care centers for children from *all* socio-economic backgrounds. It would let community groups create the models for that *universal* kind of child care that we are all talking about—a child care system that would accommodate rich and poor alike, that would let our kids grow up with a chance to know each other and to learn that they can bridge that racial and economic gap that divides their parents. But we can't do it unless the HEW secretary can authorize communities to set up centers with a socio-economic mix.

There's still another change we've made to provide more directly for women's needs. Our bill, unlike the Brademas bill, provides for 24-hour child care. Recently I held public hearings on child care in New York City. We learned that many women work nights, or overtime, or on odd shifts. Others may wish to attend training programs or go to school at night. Such women need facilities available to them on a twenty-four hour basis. Yet we found that in our entire city there is only one experimental program that operates round-the-clock.

We've added a provision to the bill which says that a comprehensive child development plan must offer services for children of women who work or study at night—and we hope that this can begin to solve the problem.

Before I go much further, I'd like to make another comment. The Brademas bill is said to be the first step toward universal day care. But how in fact is it the first step toward anything unless the bill provides some mechanism, some concrete provision, for future expansion? Clearly the bill must include a formula which will extend its coverage to more and more women over a period of years. We've tried to deal with this problem by developing a new allotment formula for the first three years of the program. During the first year, 65% of the money will be reserved as under the Brademas bill, for children of families under the BLS Lower Living Standard. For each of the two succeeding years, however, that figure will be reduced by 5%. Thus, under our plan, children under the BLS level would get:

65% of $5 billion of $3.25 billion in FY 73;
60% of $8 billion, or $4.8 billion in FY 74;
55% of $10 billion, or $5.5 billion in FY 75.

If you add up the figures, you'll see that this gives people below this BLS standard more money than they would receive if the program were funded at the level of $2, $4 and $7 billion, even under the higher percentage. But I'd like to make it clear that we aren't disputing the desperate need for services that exists among the poor. It is ridiculous for the poor and the middle-class to be fighting over an amount of money that is inadequate to meet the needs of either group. Without an appropriation near the level we've recommended, any formula will be a failure.

It is clear then that the overwhelming need is for enough money to make this program work for everyone. But, at the same time we owe it to women to create a mechanism that can be used as a lever for making child care universal once the desperate needs of low-income women are met.

At this point, let me add a word about housekeeping amendments. Our bill includes such things as the following:

Seed money grants to help community groups develop a program;

A career ladder structure for para-professionals;

Two-thirds parent representation on child development councils;

Sponsorship of programs by non-profit groups only;

100% mortgage on estimated replacement cost of the product;

An amendment prohibiting sex discrimination in the administration of the program.

The last item is particularly important. From a women's point of view, it is essential to insure that child development program itself doesn't discriminate against women. By this I mean that women must be hired equally with men to administer the program but I mean more than that. I mean that little girls will be educated equally with little boys in the projects themselves. This is one place we don't want girls being told they can be nurses but boys can be doctors. That's where sexism begins, gentlemen, and that's where we've got to stop it first!

Let me add one last point about this bill and the hearing. I urge you, Mr. Chairman, to continue the hearings for one more week. Many community groups—a number of them in my own district—feel deeply about this bill and are eager to testify. These hearings are scheduled for only 2 days, and were called very suddenly. I think that the bill is important enough to deserve a little more of our time and attention. Certainly to the women and children of the Nation, the bill is vitally important.

In conclusion, Mr. Chairman, let me say that I am delighted to be here to participate in your deliberations on this historic bill. I am sure that a bill will be reported out of committee very soon and I hope with all my heart that it will be meaningful.

OPENING STATEMENT BY CONGRESSWOMAN BELLA S. ABZUG AT PUBLIC HEARING ON CHILD CARE FEB. 22, 1971, NEW YORK CITY

I have called this hearing to spotlight a problem that affects millions of women and children but which has been disgracefully neglected by our society.

As it does with so many issues that affect the quality of the daily lives of our people, the United States—the richest and most technically advanced country in the world—has shown an appalling lack of concern and commitment in providing child care services. Other countries, such as those in Scandinavia, Israel, the Soviet Union and France, put our own Nation to shame in this respect. We spend billions for war, and a pittance for children.

The need here is overwhelming. Women make up about 40% of our labor force. Some six million children of preschool age have working mothers. Yet in our entire Nation, only about one in 12 of these children is cared for in licensed centers, and the care is not always good and it is rarely designed to meet the total needs of the child or the working mother. As for the others—the vast majority of these children—their mothers are forced into makeshift arrangements, with results that range from adequate to shocking.

In New York City, the goal projected for June 30 is 188 Government-aided day centers, serving only 13,700 children. Thousands are on waiting lists, and tens of thousands more among the 825,000 children of preschool age in our city would use these facilities—if they were available.

Clearly, the time is due for national legislation to provide comprehensive child care facilities. I am planning to sponsor a child care bill that would allot at least $5 billion for this purpose in the first year—twenty times more than we currently spend—and rise to at least $10 billion by the end of the first three years. Its goal would be to make child care facilities available not only to the poor, not only to working parents, but to all who need them.

Women no longer will accept mere 'baby sitting' services and facilities for their children. They have a right to demand and get programs that involve a strong developmental and educational component for these crucial early childhood years. They ask for a variety of programs to meet the needs of their families, and they want and should get a strong voice for the parents and the community in setting up and running such programs.

Many women work nights, or overtime, or on odd shifts. They need facilities available to them on a 24-hour basis. Yet in our entire city there is only one experimental program that operates around-the-clock.

We need a more imaginative approach to the kinds of services that are available and where they are located. Many women work in post offices, in hospitals, in schools, in department stores, in big industrial plants. Child care facilities should be available there. More after-school programs are needed for children over age six, and good facilities—not custodial centers—are needed too for infants whose mothers must work.

We will be hearing some of these proposals from our witnesses today. I know that we have only tapped the surface of the many who are concerned with this subject. If we cannot hear you all today, if we have overlooked some, please view this as a beginning, not the last word on the subject.

For if we are to focus national attention on this issue, if we are to obtain greater community participation in these programs, if we are to shake up the bureaucracy and get more centers and facilities here in New York, if we are to get the kind of broad support needed to insure passage of a comprehensive national child care law, then you will have to speak out loud and clear.

TESTIMONY BY GEORGIA L. MCMURRAY, COMMISSIONER-DESIGNATE, AGENCY FOR CHILD DEVELOPMENT

I am delighted to be here today for several reasons: First, so that I may share with you some of the things my office is doing to get the new Agency for Child Development fully operational by July 1, and, second, to hear from you some of the very real problems you are experiencing in obtaining adequate child care services for your children.

Let me give you a little background on the new Agency and bring you up-to-date on where we are at. As you may recall, last March, Mayor Lindsay created a 21-member Task Force made up of representatives of City and private child care agencies, as well as community groups and parents. I was staff director for the Task Force. Its purpose was to look into all publicly funded child care programs and come up with recommendations for improving and expanding services to pre-school age children.

The Task Force submitted its report to the Mayor in July. The picture that emerged in that report was a nightmare of inadequacies—bureaucratic red tape, restrictive licensing and funding standards—inordinate delays on approvals—duplication of effort in some areas and no effort at all in others—in sum, a picture that, in every way, revealed how grossly short-changed the children of this City are in terms of early childhood services.

As a first and most important step toward correcting this situation, the Task Force recommended that one agency—whose sole interest would be services to pre-school age children—be established. That Agency is now well on its way toward becoming a reality.

Obviously, no City agency is going to be able to correct overnight every inequity that exists in the child care picture. Some of the Agency's goals must be long range. Others can be—and are—more immediate. Let me state those goals briefly. The new Agency will:

Assume responsibility for administering the group and family day care programs now being handled by the Department of Social Services, the Family Day Care-Career Program of the Community Development Agency and the Federally-funded Head Start Program. (For your information, the total number of day care centers and Head Start Centers involved is 290 plus approximately 1000 Family Day Care homes and they serve 21,000 children. The new Agency plans to increase the number of day care centers to at least 300 and thus the total number of children receiving some form of child care service to 57,000 by the end of fiscal 1972).

We will also assume the licensing and certifying functions now performed by the Department of Health. This means in addition, private pre-school centers which now numbers approximately 500 will also come under the jurisdiction of the agency. We plan to establish interim-funding procedures so that children being served in unlicensed centers now can be helped through providing public funds to make minor renovations and employ reliable staff. It is well-known that working parents, many of whom are women, out of desperation are using unlicensed centers both day and night. This is particularly true in poor neighborhoods where women are working to keep themselves off of welfare. Therefore, we recognize the need for some pattern of 24-hour child care.

We will assure real parent participation at all policymaking levels of the Agency from the individual center to citywide bodies. (A 45-member Interim Advisory Commission, made up mainly of parents, is drawing up recommendations for a permanent Commission to the new Agency). When these are completed, they will be distributed widely and a hearing held for comments.

We will insure that an educational component is included in all programs so they can truly have a "Head Start" as they move into the school system.

We will give children from different backgrounds and with a variety of physical and mental abilities, an opportunity to participate in the same center.

(Presently child development services are geared toward low-income and welfare families. Very little, if anything, is done for the near-poor, the middle class, or indeed, those children who have physical or emotional handicaps. If, in the future we are to eliminate the present race and class schisms that exist among adults, we must give our children the opportunity to know and understand and live with each other, while they are young).

We will provide for communication, information-sharing and planning among programs and increase public knowledge and understanding of the importance of children's early developmental years.

In addition, the Agency for Child Development plans to decentralize its operations so that development of services can be expedited on a neighborhood basis. This will insure that staff, parents and sponsoring agencies have a firsthand responsibility, as well as accountability, for the services they provide.

We intend to press for legislative changes at City, State and Federal level that will expand the role of the government in providing for well-constructed child care facilities and to allow for services to children who are ineligible for care at present. We also plan to work with the educational system so that advances made by children in the pre-school years are not lost when they enter the public school system—and to encourage private and public employers and unions to provide child care services as employee fringe benefits.

We think this is a pretty full agenda for a new baby that is just about to be born. On the other hand, many of you here will, no doubt, be talking about specific needs that I may not have stressed. There is need for 24-hour child care—night-time and drop-in care, infant care—services for "latch-key" children—to mention the most obvious. Those are legitimate needs—and we hope we will have Bella Abzug's assistance in pressing for the legislative changes and the funds to make them possible.

The Agency for Child Development may not be the answer to all your problems. But I assure you, that as far as your efforts to provide quality care for children are concerned, you will have my support and assistance in every way possible. And I would hope that I can count on your support, too, as my Agency moves toward its one over-riding goal which is to see the day when no child in New York City will be denied access to the advantages of an enriching early childhood experience.

Thank you.

STATEMENT BY CONGRESSWOMAN SHIRLEY CHISHOLM

Mrs. CHISHOLM. The day care disaster we face in the United States is the result of America's tradition of discrimination against women. Even such liberal zealots as Dr. Spock believe the woman's "place" is in the home. The prevailing attitude is . . . if women *choose* to work, then they shall just have to make *arrangements*.

Women don't choose to work. They have to . . . and "arrangements" don't exist. Three million mothers are rearing their children in fatherless homes. Two out of three (64% or 1,920,000) of these mothers are the sole providers for their children. The rest of the women in our 32 million strong female work brigade are supporting themselves or together with their husbands are supporting their families. Poor, working poor, lower middle class, middle class . . . they are all in the same boat. They are, like their husbands, bread winners. In nearly one third of our families where both parents work, the husband's income is less than $5,000. As for "arrangements" only 2% of our women use group day care facilities. The rest face a nightmare hodge-podge of "arrangements" with elderly relatives, a rapid turnover of sitters and bleak custodial parking lots euphemistically called family care centers.

If you are lucky, a family care center means that the child will be safe, clean, fed and lovingly cared for by a gentle soul who likes children. More likely than not you won't be lucky and the person in charge may be emotionally disturbed, uneducated, alcoholic or so old that they need help themselves or all of the above.

During World War II when we were fighting for freedom from tyranny and injustice, the Government pushed day care and care was provided for some 1,600,000 children. But after the war, Rosie the riveter was expected to go back home. Nearly all of the Government day care centers were shut down. Today, when the number of working women exceeds the World War II total by six million, licensed day care centers have shrunk to one-sixth their wartime capacity.

It's all part of a pattern. Look around you. Out of 435 Members of the House, 12 are women. Women, who make up a majority of our population, constitute nearly half of our labor force but earn only $3,773 (Department of Labor Statistic, 1966) a year. Right now we have five million preschool children whose mothers have to work. Day care is currently available for only 641,000 of those children.

Our male dominated government has been rather irresponsible but then male irresponsibility and female responsibility for children is the traditional pattern. It takes two people—one male and one female—to make a baby, but after birth and sometimes even before birth, it's "her baby." It is a rare occasion when a woman deserts her husband and children; but the reverse is traditional enough to have become a subculture all its own. We call it an AFDC family.

There is no question that male prejudice and the male fear of competition in the market place has produced our present situation. We make it just as difficult as possible for women to work. Rotten wages, poor day care services, limits on training programs and little opportunity for advancement.

White males earn an average of $7,179 a year.

Black males $4,508.

White Women $4,142.

Black women $2,934.

The Day Care and Child Development

Council of America, Inc. and the AFL–CIO executive council report that the estimated cost of day care per child is $2,000 a year. If you are a black female head of household, $2,000 for day care leaves $934 to live on for the rest of the year and God help you if you have more than one child. Of course, if one uses the administration's conservative estimate of $1,600 per year you would have $1,334 left to live on after day care expenses. Or if you were a maid working in the Congressional Fiefdom of Capitol Hill you'd be earning $3,484 per year. Then you'd have the handsome sum of $1,484 left to live on or using the administration's figure $1,884. Really high living, isn't it! That's less than the amount many of the Members of the House of Representatives pay for travel expenses to and from their district.

In an excellent article from the *Washington Post*, February '70, Philip E. Slater pointed out that the Dr. Spock attitude is pervasive in the U.S. to quote:

"Spock makes quite explicit, even in his latest edition, his belief that a woman's place is in the home. He lays great emphasis on the importance and the difficulty of the task of child bearing and gives it priority over all other possible activities. He suggests government allowance for mothers otherwise compelled to work, on the grounds that it "would save money in the end," thus implying that only a full-time mother can avoid bringing up a child who is a social problem. He allows reluctantly that "a few mothers, particularly those with professional training," might be so unhappy if they did not work that it would affect the children—the understanding here is that the professional training was a kind of unfortunate accident, the effects of which can no longer be undone."

Russia, Scandanavia, Israel and many other countries have comprehensive day care. We do not. During the war the U.S. Day Care Centers were open to all, now they are available only to those with serious emotional and financial problems—and not all those are served.

Existing programs and most proposed programs emphasize service for the poor.

We justify our focus on the poor because of our "concern" and our "limited" funds. Our funds aren't limited; we are the richest nation in the world. We scrimp on programs for people because we choose to spend our money on tanks, guns, missiles and bombs!

Mr. Dellenback, in testimony inserted in the Congressional Record on February 9, 1970, estimated that the cost of his proposed comprehensive Headstart Child Development Act would cost somewhere in the neighborhood of $16.5 to $22.75 billion in the year 1975. Aghast at the cost, he indidated that the government couldn't possibly foot this kind of bill and proposed that the private sector should help out.

I believe that the private sector should help out and should be encouraged to do more, but the primary responsibility will have to be from the public sector. We shall have to spend 16 to 22 billion dollars—starting right now. That's what the oft-heard phrase "reordering our national priorities" is all about.

If we can afford planes that cost 46 million dollars each, the current figure for the C5A, we can afford day care services for our 32 million working women.

Why do you think there has been such a response to Ralph Nader? Why do you think everyone is running around making speeches about ecology, pollution and the quality of our environment? *The people* want a change in national priorities.

Women form the majority in our population. Not only are increased services for women needed, they are politically expedient!

There are other reasons day care should not be limited to the poor.

First, income limitation and means tests are demeaning.

Second, because those just over the line, the working poor, those with a toe-hold in the middle class and those in the middle class need this resource and service as well as the poor.

Third, we know from our experience with the poverty program that programs exclusively for the poor—no matter how well justified—are not popular. We have seen time and time again how popular resentment has generated enough political pressure so that poverty appropriations are hacked to smithereens on the floor of the House.

All of us are vividly aware of the splits and tensions in this country between the poor and the working class. The "lazy bums on the welfare roll" vs. "middle Americans of the silent majority" is the jargon this battle is currently cast in.

Let's not aggravate those tensions. The poor and the working class have the same needs and the same problems. Low wages, inflation, lack of job opportunities, poor educational resources, frustration with the impersonal bureaucracy, and the lack of day care facilities—they are the same problems. Do not pit these people against each other like starving packs of dogs fighting over the same meager scraps.

Too much of our current legislation and new legislature proposals presume that day care facilities exist. There are stipends from welfare to pay for day care expenses, proposals for increased tax reductions for day care and the like, but these cannot even be used if the facilities are not available.

Currently, the only Federal construction money available is through two SBA programs and they are for profit-making institutions only. Under one of the programs, there is a $25,000 statutory limitations on loans. In New York City that will buy you the front hall.

Existing head start, day care and nursery school programs have snapped up all but a tiny fraction of the church and community center space available. As an old day care hand and one who gets called upon frequently for help now, I know that in New York at least, the much talked about "renovation" is often more expensive per square foot than new construction. If you talk to the people in OEO's comprehensive health program, you will find they have discovered the same thing.

We need massive construction funds now, and planning grants so that local groups can hire attorneys, architects and people to help locate sites.

One of the administration's proposals, to provide day care for people in training programs but nothing for the woman and her children after she finishes training and finds a job, is ludicrous. What is she supposed to do with the kids after her training period is over?

Another problem with the WIN day care program is that the States have failed to appropriate their 25% share of the funding and have been unwilling or sluggish in changing existing laws which hamper the program. You will recall that the Department of HEW had estimated that more than one million children would receive day care in 1972. The Bureau of the Budget called for 35 million for day care during WIN's first year. Congress appropriated exactly ½ that amount. Because of the problems referred to above, only 85,000 children received care in WIN's first 12 months at a cost of less than $11 million.

According to the testimony of Elizabeth Koontz (Director of the Women's Bureau).

"The lack of child care services has been the most serious single barrier to the success of the work incentive (WIN) program. Care in centers for eligible children is rare and most mothers in the program have been forced to make their own arrangements. These have proved to be haphazard and subject to frequent changes, interruptions and breakdowns."

There is no question that the solution of the welfare problem in the United States is irrevocably linked with the necessary to provide good and accessible day care services. When we talk about welfare we are talking about AFDC families—mothers and children.

Study after study has shown that welfare mothers want to work, but they are not going to work unless they feel their children are safe and well cared for.

It is estimated that there are over 240,000 children under the age of 5 who are members of public assistance families in New York City. In the Bedford-Stuyvesant section of my district alone, there are 15,757 children in this category. But there are only three day care centers to serve them.

In the whole city if you count every child care program, public, private, head start, pre-kindergarten classes run by the board of education and the children's centers run by the department of parks, we still have only 1099 centers serving 55,470 children.

If we really want to help to reform our present welfare system, we are going to have to institute an extensive and expensive day care program. There is no way around it.

Many parents don't play or talk with their children except to shout at them. Assistance in these areas, the use of simple things such as teaching children to learn the difference in textures of fabrics, colors, sounds can be done at home. We could follow up the extremely successful *Seasame Street* television program with a program aimed at mothers of small children.

The question of the involvement of the parents brings us to the whole question of community participation and community control. I favor both of these concepts. I believe parents should dominate the day care center boards and should be intimately involved, but I do not feel that this should mean we must lower the academic and professional standards of the employees of day care centers. It is not enough just to offer love and attention in clean, pleasant surroundings.

We need para-professionals, friendly, familiar neighborhood figures and professionals as well.

Let me illustrate. We all know one of the chief problems which minority children face is the difficulty they have in using standard english as is required by the school and the society at large. Some children hear only a foreign language at home—Spanish, French, Eskimo—others, primarily black children, have learned a dialect we refer to as nonstandard English. Professional teachers can help youngsters overcome that hurdle by providing a model and by providing assistance. The para-professionals, because of their own language problems cannot help the child in this area.

I am afraid that in some of the poverty program experiments, the zealous concern for providing jobs for non-professionals led to an over-emphasis on the parents to the neglect of the children's educational experience. We have to be concerned about both.

In my mind we would provide better long-term assistance to the parents who are hired if we made a serious effort to provide them with real educational training in early childhood education. Let's set up programs which provide credits for high school equivalency and college level training. The parent would then share with the child in the program and would have a marketable skill when finished. Not only that, but it would be an important and necessary skill because there are not enough trained people in the field. Half of our present day care centers are private. Most people got into the private day

care field because they saw the need. Most started out as small "mom and pop" day care centers and most of the people running them, although they have a college education, have no formal training in early childhood development. We need training not only for paraprofessionals but for those professionals whose expertise is based solely on the number of years in the business. This is a serious problem and yet to my knowledge, no one has ever dealt with it.

Speaking as a former day care teacher and as one who has been active in the community for many, many years, I can testify that in the mind of both the professional day care personnel and the mothers, education is of paramount importance in day care centers.

Many accuse day care professionals of only being concerned with potecting their jobs and their status when they speak of the importance of professional training and a sound educational program. This is both unfair and untrue. Rather, it is a belief born of experience . . . and the mothers of the children feel the same way.

In a recent survey I had conducted on day care services in my district 100% of the respondents—that's every single person questioned—felt that the day care center should be educational in nature.

Work-located day care centers are the most convenient and allow the most parent-child contact, but they are the scarcest form in this country. There are a handful of showcase programs in industry and a sprinkling of day care demonstration projects around the country.

Although in the 1966–1968 session, the Congress authorized $25 million under title V, B of the Economic Opportunity Act to pay qualified public or non-profit agencies, including trade unions, 90% of the costs including alteration, renovation and operational costs of a community day care facility; as yet no funds have been appropriated for this purpose.

Further, the recently passed amendment to section 302 of the Taft-Hartley Act to permit unions and employees to bargain collectively to set aside funds jointly administered for the setting up of day care centers is not mandatory, and therefore is unlikely to be wholeheartedly accepted by employers.

The leaders in the work-site day care center field are hospitals and the labor department says that there are only about 100 of them.

Worst of all is the Federal Government. After a lot of nudging from Esther Peterson, the Department of Labor set up the first Federal day care center as a demonstration project. It shouldn't be a *demonstration* project! Day care centers should be as permanent as a cafeteria in *every* Federal Government office building.

We ought to have them here in regional office buildings, in post offices, and in every new public housing project as Representative Patsy Mink has indicated is required in Hawaii. She also notes that Hawaii is able to keep down the costs of the children's toys and furniture by having the prisoners in the penal system make them. Things for children are surely as useful as license plates.

We could require that any hospital built with Hill-Burton money would have to have a day care center in the plan.

There are so many, many things which can be done and which ought to be done. What we need now is the will to carry them out.

STATEMENT BY TRUDE LASH, CITIZENS COMMITTEE FOR CHILDREN OF NEW YORK CITY

I'll be very brief because I am sure you will have eloquent testimony of people who every day work for better child care programs. Not that I'm not doing that, too, but I think we want to hear from those who are directly involved. Most of what I have to say was contained in the report of the New York City Task Force for Early Childhood Development, which I am sure you have, Mrs. Abzug, and which I am sure you have read since you are one of the very few people who seem always to have done their homework. You seem always to be up on what needs to be done.

A report, by the way, which was made possible not only by the great devotion of the Task Force, who worked together, in spite of their differences day and night and by the very moving and very dramatic testimony of parents and workers in Early Childhood programs which we received at the many public hearings. It was also made possible by the brilliant staff work done under the direction of Georgia McMurray, who we are very lucky to have as the commissioner of the new Dept. of Early Childhood Services in N.Y.C. That alone is a gigantic step forward away from the confusion familiar to all those who have been active in day care, in Head Start or family day care and other programs, a confusion and a chaos that has reigned unchecked in NYC.

It is clear that the need for early childhood programs in NYC is a bottomless pit. Whether you say that the waiting list is 50,000 children or 100,000 children does not really matter because a waiting list, as you all know, is meaningless. What matters is that everybody knows that we have—although we all know that this is an estimate—824,000 preschool children in this city, and if you scrape together all the programs that now exist and you have to add to them the Park Dept. program, and, as you know, that is a very part-time program, if you scrape together all the programs that now exist you reach the magnificent sum of 57,000 children.

However, that is a very optimistic estimate. Now, while I agree that we must have day care and I use the term day care to cover all the programs, and while I agree that every child must have the right to day care, and every mother must be given the chance to have day care available for her child, I also must insist that there have to be priorities, and these priorities be that there is care for the children of mothers who have to work. We are far, far away from that. We now have this whole day care picture for 25 years and I am not very proud of what we have achieved. I know that there are thousands and thousands of mothers who wish to work if only they could find day care for their children. They are unable to find such care. Now we accuse mothers who are not working and in this whole dismal, vicious cycle, this welfare cycle, is one component which people always forget: namely, that we make no services available, or very few services available if a mother wishes to work.

I wish I had time to present some of the case histories we have been collecting during the years. The picture is entirely different from what the public image is. The situation now in New York City is, of course, much worse than it has been, because while in the past we had no child care for jobs, we now have no jobs and no care. I don't know whether you read the analysis by Abraham Beame of the 18,000 additional welfare clients who joined the welfare rolls in December 1970. It is usually said that the welfare rolls consist of 80 percent of mothers and their children and 20 percent of all the other categories, home relief and old age, the disabled and so on. In the December figures, the mothers and children only made up 64 percent while the number of people who joined the welfare rolls because there were no jobs jumped dramatically. Now what does that mean? That means that we still insist, the Federal Government still insists, that it will, with very tiny exceptions, finance child care only for mothers who want to work, without, apparently, connecting New York City with the rest of the United States.

What's true here is true in other cities as well, namely, that the Federal Government finances day care largely for the children of mothers in training or who work. Now, then, you are supposed to get day care, you want it, even, and you are not in training because you can't get it and you are not at work because you can't get a job. That's apparently not recognized.

Now I would like for a few minutes to concentrate on those issues which have legislative implications because I take it, Mrs. Abzug, that's what you are of course most interested in. It is of vital importance not only that funds be made available by the federal government, even under existing legislation, the so-called Title IV legislation, but that funds be made available so that you can finance care for children of parents who are not on welfare. I was very touched by the testimony of Mrs. Bailey, of what mothers need and what they have to go through to get care if they're lucky enough to get it.

Even new proposed legislation, the Birch Bayh bill, for instance, provides that care shall be made available free for the children of welfare clients. If the family earns $6,000 a year, then the family shall pay half the cost. Let's say day care here costs $2400 a year. Is that about correct? That's the low figure. Just imagine, if you make $6000 a year you're supposed to pay $1200 a year if your child is to be in day care. What nonsense. What preposterous and insulting nonsense. And if you make $8000 you're supposed to pay the whole cost of care.

Now what we have always done in NYC, and praise be to NYC, we have made care available not only to the children of welfare clients but to other families who had social needs or who maybe were in danger and when we did charge a fee it was a small fee on a sliding scale which indeed was not prohibitive. NY State proposed that small fees be charged, beginning with a family income of $7500.

So this is one of the most vicious prohibitions against the development of daycare. We feel it is of extreme importance, and we stress this—in our report—that there cannot be a segregated day care program, whether economically, ethnically or socially segregated. We don't want segregated programs. We want all the children from different groups, in the same program.

The national administration stresses again and again, when it comes to talking—such as at White House conferences—that programs for young people are now going to be an absolutely priority. Do they really mean segregated programs? This is something that we have to think through. This is still a danger which is still in the wind and which has to be fought. Last year, many of you will remember, there was a proposal which apparently had White House support—that the federal government would spend only 110% next year of what it spends this year on day care. In NYC, unfortunately, the Federal government spent very little on day care. So if we only got 110%, next year it would mean that those prices go up much more and we would have to cut, rather than add, to our very skimpy, puny resources, instead of expanding as we should be doing is add considerably.

I do agree completely that staff funds will have to be increased and I am afraid that we will have an enormous fight on our hands. I also am terribly scared, and I am only talking about Federal issues now, I am terribly scared that under the pressure of the financial crisis the city will try to lower its own input to the day care program—and we mustn't let them. We won't let them but I know that there are pressures on the city administration not to put as much money as they have in the pot. I am sure that we can organize pressures and marches on City Hall if anybody should dare to surface with a proposal of that sort. That it is floating about, I know.

I think that there is very little understanding of our city's needs and there is also a tendency to show us how one provides services economically without wishing to realize what kind of a city we are and I think it is terribly important that we support people like Congresswoman Bella Abzug—there are very few like her—in what she is trying to do and that we are very clear and organize much more than we have done in the past.

STATEMENT BY MANHATTAN BOROUGH PRESIDENT PERCY E. SUTTON

Mr. SUTTON. Social scientists for many years have told us that the most important years of development are before a child enters school. During that early age is set the whole future pattern of life. The desire and the ability to learn should be cultivated then, or it can largely be lost.

Government at all levels has been very slow in recognizing this and even slower in responding by providing developmental, nutritional and educational programs for the very young. This has resulted in vast numbers of students who can't learn to read and won't go to school. Our society can no longer bear this burden—the cost in broken lives as well as dollars, is too great.

Today we find ourselves in a vast upheaval, a major cultural change which must be encouraged if we are to progress as a free society of equals. Women demand to be free. Women demand to be free to take on rewarding professions, to educate themselves, and to work productively at what they wish without taking leaves to raise children and without being discriminated against because they may someday bear children.

In addition to the countless number of women relegated to menial jobs, hundreds are trapped at home, often impoverished, because society will not give them adequate opportunity to work. We must give them that opportunity.

At present our society does not come near providing enough facilities to care for all children, to enrich their lives and free their parents.

We now have *32,000* children in seven preschool programs operated by the City; and approximtely *25,000* children in private centers. These figures don't even begin to cover the demand we now have. In 1960 there were *811,587* children below the age of six, and *253,386* in the major age group presently served by child care, the four and five-year-olds. There is every indication that the 1970 figures will show higher numbers.

If we didn't even consider care for children of all ages, but only considered the small prime target, there is now space provided for only *one out of every four children.*

And if we consider all ages of pre-school children, only *one in fourteen children* has a place. There is today no chance for preschool education of any kind for tens of thousands of children.

This outrageous condition must be eliminated. A systematic way of dealing with the problem must be established, and a better way of delivering new spaces and operating facilities must be devised.

A method has been mapped out by the Early Childhood Development Task Force, and my Advisory Committee on Child Day Care, under the inspiring leadership of Mrs. Elinor Guggenheimer, has reviewed their report and made several recommendations.

It is obvious that we can wait no longer—At the city level, the Mayor and the City Council must move immediately to establish a new post, that of Commissioner for Early Childhood Services. This new Commissioner must be ultimately responsible and accountable for funding of all city programs, and for the licensing of all facilities, public and private, relating to children's services.

This new department should establish basic levels of educational and developmental services and the Commissioner must actively expedite centers while encouraging and aiding community groups to push through the maze of city agencies.

This, however, is not enough to meet the vast need. If we are to meet the challenge before us, we must encourage, in more creative ways than in the past, the private sector to provide services and space for the public and to enhance parent participation and program improvements.

One of the first improvements that is needed is the provision of child care facilities, not just during working hours of nine to five, but on a twenty-four hour basis.

Women who must work at night: nurses, telephone operators, and others have need for child care facilities during the evening and early morning hours. At the present time they are often forced to leave young children home unattended with frequent tragic consequences, or they are forced to impose upon friends, or hire babysitters at high rates.

But others in addition to working mothers could benefit from 24 hour child care. In case of medical or other emergency, there is presently for most New Yorkers no place where children can be left temporarily.

Such 24 hour day care centers should be located in every neighborhood and in every place of business where women are employed at night. The cost of providing such service would not include the cost of providing physical facilities, since no new facilities would be needed beyond those established for child care during the daylight hours.

It is clear that private industry will not lead the way in providing either 24 hour or 8 hour day care. The initiatives and the incentives must come from government. Government must lead the way by providing space for day time child care services in all new government buildings so that civil servants can bring their children to work with the knowledge that the child will be safe, well cared for, and enriched.

All government buildings housing large numbers of workers must provide space for at least the children of their working mothers, who can then embark on professional careers in government.

One of the world's largest buildings, a vast government undertaking—the World Trade Center—will house an estimated 50,000 workers, with not one square foot of space for working mothers' children. Plans must be started before it is too late to act.

Federal Post Offices and City Libraries are planned in a way that provides a site affording the best access and visibility to the local community it serves. What better place than this for a drop-in or all-day child care program. Government should mandate this type of double use of space to save land, extend economies, but most of all to provide urgently needed child care services.

It is abundantly clear that our great universities and our fine hospitals should establish the kinds of children's services that are being demanded more and more by faculties, staff and students. We have lost the talents of too many vitally important scientists, educators, and specialists because women are forced to leave their professions due to society's failure to provide care for their children. We can no longer tolerate this loss of needed people.

Beyond these government installations, there is the vast area of publicly financed and aided housing where we have always seen fit, for example, to require a specified amount of community space. Federal, State and City government can and should mandate day care facilities in new housing, and we must begin this now.

In the past I have advocated and voted for zoning bonuses to private developers if they provided social amenities to the surrounding community. Subway entrances, plazas and even public housing have been created through the use of zoning bonuses. I propose that the same types of creative zoning be developed to initiate the planning and development of community day care space at little cost, and with swift delivery.

We cannot lose sight of the present methods of developing facilities which can be upgraded. Additional State and Federal seed money must be provided to pay the costs incurred by local community groups ambitious and committed enough to help government act. In addition to this, new funds must be established by the City until higher level of government can act, to provide monies to open needed temporary space while a group is preparing permanent facilities and is moving to comply with health and building guidelines.

While government is taking these initiatives, those creative minds in the private sector who in the past have stepped forward should again act. The surprising lack of drop-in care in vast shopping areas and at resorts could only be an oversight which needs correcting. It can only be beneficial to commerce to provide shopper services of this type licensed by the city and strictly monitored. It is equally surprising that unions have not demanded adequate services for their children as well.

Just imagine for a moment how efficient telephone services could be if AT & T provided child care services for operators in New York City as they do in some areas outside the City. Lower operating costs from lower turnover in operators who would not find it necessary to leave after costly training in order to care for a child would more than pay the price.

While the city, and hopefully the private sector, are developing space for our children, the educators and child care workers must develop credited training and career programs in our city's universities and private colleges to provide staff for the hundreds of new centers, and to enhance existing programs.

It is essential, if we are to provide anything near universal child care, that all staff members be able to progress up through set lines, increasing in skills and experience and advancing in pay and position.

All this must happen and the present diversity of programs should continue so parents can choose what service best meets their needs. I am certain that a richer society will result.

Congresswoman Abzug, I want to thank you very much for affording me this opportunity to once more state my views regarding child care. You are performing a great service in helping to dramatize this issue and bring it to public attention. Thank you.

STATEMENT BY DAVID D. MCFEETERS, JR., DIRECTOR, HEAD START COMMITTEE

Mr. MCFEETERS: As the Director of New York City Head Start I wish to thank you, Mrs. Abzug, for the opportunity to present our needs directly to you. My staff and I fully support the City-Wide Council's position for the expansion and permanent funding of Head Start programs that encompass the components of Head Start. We explicitely endorse that the components of Head Start, that is, comprehensive educational curriculum, parent participation, career development, community action, multi-cultural, renovation and purchasing site funds, training and utilization of community parents must continue permanently. We urge that these components be written into every part of Child Care legislation.

I would, however, like to address ourselves to another extremely important item in child care that has not been openly and vigorously questioned. What is the objective of child care? Is it to afford parents the opportunity to work, is it baby sitting only, is it an adjunct to social welfare, is it an extension

of public education, is it supplementary care, is it replacement of parents, is it to produce responsible citizens of the United States, is it to provide enrichment for poverty parents and children?

All are legitimate questions, for all such programs exist, many to the detriment of both the child and parent. One fact stands out strong and clear—that just as a house is built brick by brick it is still useless if it is built on a foundation of sand. So also the foundation our children receive predicates the masterpiece of the adult he will become. I strongly suggest that any legislation which does not clearly evaluate and state the national objectives of child care can be considered at most poor legislation. We firmly believe that the *content* of child care curriculum must focus on the individual child, his family and community. It is time to realize that we are involved in the shaping of behavior, instilling of values, and lifestyles, in fact, in the awesome shaping of social policy. We cannot be timid and argue uselessly about cost per child, facilities and who's in control. We must focus on the fact that every child has the right to comprehensive child care. As the White House Conference of December 1970 stated, it is time for the nation to re-order priorities "toward promoting our most valuable resource—our future generations."

Therefore, we oppose any legislation that would divide parents and children, phase out Head Start and negate the components in Head Start. We ask that you look deeply at the Head Start Program and support its three-pronged concept of education of the child. leadership development of parents, and community action on all levels. Any other form of legislation can only be interpreted as stepping backward in time rather than aggressively forward.

STATEMENT BY ESTHER SMITH, CHAIRMAN, COMMITTEE FOR COMMUNITY CONTROL OF DAY CARE CENTERS

As I was being introduced, a passerby hearing my name remarked, "Oh, you are Esther Smith from that community control group. You are the ones who have forgotten the slogan 'Give A Damn.' You are the ones who are placing children in rat traps with unqualified personnel."

Shocked, here was one of the not too many times that I became speechless. For the moment I was really psyched out. Believe me, this only lasted for a split second, when I really got myself together.

Now here's where it's at. What makes you think that because we live with inferior teaching in our committees, we wish to continue doing so. What makes you think we wish to continue living with rats and roaches. But we have our thing together and this is the way it is going to be.

First, we will take our rightful position to determine the destiny of ourselves as well as our children.

Second, We demand that the slave masters let his slaves go—through this act we will learn and build on our heritage.

Third, through preparing our own curriculum we will know that the education being taught in our centers is relevant to the well-being our children.

The children and their parents in any community are vital to the existence of that community. So let them be the decision makers of their communities. Make certain to give them the proper tools for which to do the job. Many of the so-called poverty programs were designed to fail—so it could be said, We gave them, but they did not know what to do with it.

We are saying give us the money and do not put up roads and bridges so hard for us to cross. An example of this: We have asked that parents and staff be trained to run their centers in the manner designed by the parent board of each center. Even though it is mandatory that training be done, we have received no funds. This project has been in the talking stages for the last two months. And that is where it will stay until upstairs decides what will be done; then out of the windows goes community control. Whether you believe it or not, our people know that we can no longer allow anyone other than ourselves to design the structure for our lives; whether it be day care, public schools, housing, economic development or the social aspects in our communities. At this point, I would like to present a memo on finding problems prepared by the Committee for Community Controlled Day Care.

MEMO ON FUNDING

Many community groups that are eager to run day care centers have been profoundly discouraged by the city's red tape and unrealistic licensing requirements. These groups have found available, safe facilities, have staff ready to work but the city refused them funds because they fail to meet "certain standards" relating to physical plant and/or teacher criteria.

Many community groups have had experiences similar to the following. Faith, Hope and Charity in Brooklyn has run a program on its own for 9 months serving 100 children daily. This group wanted professional assistance, needed money to get it, so went to the Health Department for a temporary license, a necessary step before receiving city DSS funds. The Health Department stated that it couldn't license Faith, Hope and Charity because the latter did not have professionals or a source of funds. This is the kind of callous, cyclical process which the city has consistently inflicted on poor community groups.

This bureaucratic style of operating has caused a number of organizations to suspend entirely their hopes for running a center, a sad enough commentary on city government. But many other groups operate daily with a volunteer staff and materials donated from the community. Because the need for day care is so urgent in many parts of the city, however, groups like Faith, Hope and Charity have started programs without public money despite the fiscal difficulties inherent in such an undertaking. These groups are staffed by people who want to accomplish things, who want to better their lives and the lives of their neighbors; they cannot wait for backward government policies to change.

Of course, these groups could improve their program greatly if they had money to repair the facility, hire sufficient personnel, and buy appropriate equipment. They could run a better program if they didn't have to worry constantly about getting enough funds to maintain their project. If the city had a more flexible funding process, these groups could serve their children better.

So when the city claims it won't fund these programs because it wants to protect children, it simply is not facing the reality of what's happening in the poor communities. Grass-roots organizations are running programs for the pre-school youngster, in any case; the city should assist them in their attempts to operate quality day care for children, not as it does now, prevent or discourage them from sponsoring centers through the imposition of silly and unrelated policies.

To remedy the stated conditions, the city must establish an immediate funding mechanism which will deliver operating money to community groups which have the desire and neighborhood resources to open a center. These groups must not be forced to meet the current rigid Health Dept. and DSS requirements which are mostly irrelevant to community needs and impossible to satisfy without long-term assistance. Some examples of the requirements a group must satisfy before it can receive any money are: a separate cubby for each child, a separate toilet for adults and separate toilets for male and female adults, walls must be painted in drab, off-color tones, head teachers must have completed college and have taken graduate school courses, a group must be incorporated—a process which has taken as long as a year, a recent DSS ruling prohibiting support to a center serving less than 50 children. An ongoing working relationship should be established with the city helping these groups in every possible way to develop a high quality facility.

The Community Development Agency which distributes the federal anti-poverty money in the city has already wisely ignored the city's requirements in helping community groups start pre-school programs. The West 80th Street Community Day Care Center and five centers on the Lower East Side, the UCDCC, received money from CDA at a time DSS would have preferred to shut their doors. All these programs functioned several years with the anti-poverty funds and recently weathered the transitional storms of moving into DSS funding. Eastern Harlem Block Nursery is another example of an excellent day care program which was initially supported by CDA money and finally, reluctantly, assumed by the DSS funding.

We call on the Mayor and his administration to see that the city's local day care operation relate to community groups the same way CDA has—at least in terms of quick and immediate funding. The city should make changes in the health code; it should urge certain code revisions which would permit and expedite an immediate funding mechanism; it should also urge extensive use of the code section which gives discretionary power to the health dept. commissioner to waive code requirements. To date, the city has done none of the above.

State law does not prevent "immediate funding" from taking place. The law charges the "local public welfare official" with dispensing monies; under this regulation, the DSS commissioner could easily direct his day care office to deliver funds to community groups in the quick manner we have prescribed.

The city should grasp the opportunity now being offered to operate in a way the Division of Day Care never has: to function as an advocate of community day care, to be an ally of indigenous groups which have justifiably all but written off the system as being uncaring, unresponsive, inefficient. This new method and style would benefit grass-roots organizations because they could establish adequate services quickly, the public because it would have available more and better day care centers.

STATEMENT BY MOE BILLER, PRESIDENT, MANHATTAN-BRONX POSTAL UNION

I'm Moe Biller, President of Manhattan-Bronx Postal Union, representing 27 thousand men and women in the U.S. Postal Service in those two boroughs. Manhattan-Bronx Postal Union is the largest postal local in the country and, as such, has spearheaded many of the movements that have insured postal workers' rights and well-being both on the job and at home.

Although we are constantly fighting to improve the wages, fringe benefits and working conditions for ALL of our 27,000 members, we are particularly concerned with a problem peculiar to only a quarter of our full membership.

In Manhattan and the Bronx alone we have 6,300 women who are employed by the Postal Service. The majority are non-white and work at nighttime. Thousands of these women are the sole support of small children and they're fighting against heavy odds—not only to bring these children up with the shelter of a near-normal home life, but to maintain their own dignity as productive members of the community—and as taxpayers.

It's a constant battle. First to find adequate baby sitters because nighttime child care centers are virtually non-existent. And, second, remaining at home when the baby sitter, competent or not, fails to show up as promised, to face Postal Service punishment for being AWOL.

You'd better believe it! Women—loyal, hardworking women—being punished for daring to take care of a prime responsibility when an emergency occurs. Does the Postal Service want them to go on relief? Does the Postal Service believe it can treat people like robots all in the name of "good business"?

We, in Manhattan-Bronx Postal Union, can't go along with that kind of philosophy—and we won't. It isn't a question of Women's Lib; it's a question of human dignity for these 6,300 postal workers and their right to remain as productive members of the community—taking care of their families and adding to the tax rolls instead of the welfare rolls.

It's as simple as that. Would we rather have people produce or exist on handouts?

If it weren't for the archaic thinking of the present administration in Washington we wouldn't even have to pose that question. Because we, in New York, would have solved it through direct negotiation with the New York branch of the new Postal Service. Instead we are tied to the national negotiations in Washington—where negotiators who represent postal workers in backwoods Alabama or the bayous of Louisiana have been given the right to solve the problems of Manhattan and the Bronx and the big cities.

They can't do it! The only way we're going to solve New York problems is for New York union experts to sit down and bargain with New York Postal Service experts. Negotiators who represent postal workers in North Dakota don't know what it's like to be mugged in New York. And our women are getting mugged—on paydays and on the way home from work. Right in the subway station across from the General Post Office, of all places. They can't solve THAT in Nevada or Alabama or Mississippi. WE have to help solve it right here in New York—the way our brothers and sisters of Local 1101 of the Communications Workers are trying to solve their own problems and the way Local 32J of the Building Service Employees are fighting for the safety and rights of their fourteen thousand members.

By the way, Congresswoman Abzug, please accept my thanks for helping me violate Postal Service regulations. The Postmaster *General* is rightly titled. He evidently thinks he's commanding troops when he tells postal workers, including their union leaders, that they have no right to talk to Congress. Well—we're talking to you and we'll continue to talk to you and other members of Congress regardless of the blunt orders issued from Washington. Only you and our other Congressional leaders can help our women maintain their right to hold a job with dignity and peace of mind. That's what child care centers can do.

Thanks very much for the opportunity of testifying today.

Now I'd like to introduce one of our union delegates, Miss Eleanor Bailey, who has some interesting facts and figures.

STATEMENT BY ELEANOR BAILEY, MANHATTAN-BRONX POSTAL UNION

My name is Eleanor Bailey. I'm one of the lucky working mothers because my two children are in their upper and mid teens and doing well in college and high school.

I've been employed by the Post Office as a clerk for the past six years. I work at night at the General Post Office in Manhattan and spend part of most days as a union delegate in the Manhattan-Bronx Postal Union.

I say I'm one of the lucky working mothers since I feel that my children are well on their way to making it as students. There are, literally, millions of other mothers who need help desperately—so that their children can be cared for safely and adequately while they earn their daily bread.

Think of this—there are nearly one million "latch key" children in this nation—children under fourteen years of age who are sent to school in the morning with the house key hung around their neck on a string. They're left to fend for themselves until their mothers come home from a long day at work. It's not good for the future of these children. It's not good for the future of our country—because these "latch key" kids will become the citizens of tomorrow, good, bad or indifferent. We can't afford to have a large group of future voters who have been warped by inattention and neglect during their youth.

There are more than 5 million children under the age of six whose mothers work. There are licensed day care facilities for only 600 thousand of these children.

In 1968 a nationwide survey was made by the Department of Health, Education and Welfare on the attitudes of people on welfare. The survey showed that more than 80% of the women on welfare expressed strong desires to work. 50% of these said the only thing that held them back—and kept them on welfare—was the unavailability of child care facilities.

Think of the problem—and the solution—in terms of money. In New York City alone if only a fraction (let's say 10%) of the more than one million welfare recipients could be returned to the mainstream of the economy—that is, back to a job—the savings would be enormous. At a conservative welfare cost of $2,100 a year per client the saving in New York City alone would amount to 210 million dollars a year. And that's only the beginning. Not only would welfare costs be reduced—but the tax rolls would benefit through the addition of tens of thousands of working, tax-paying, mothers.

Something has to be done—and done soon because the situation can only get worse. According to the Department of Health, Education and Welfare the number of women who received welfare assistance because they had dependent children rose from: 25% in 1961 to 32% in 1967 to 44% in 1968.

And it's been estimated that the federal cost for aiding dependent children which is now at 2.3 billion dollars will rise to 4.7 billion by 1976.

In my union—Manhattan-Bronx Postal Union alone—there are 6,300 women who are employed by the Postal Service. Most of them work at night since they are usually lowest on the seniority list. Most of them have children. Many of them are constantly caught in the squeeze of trying to find adequate care for their children while they work. *It isn't available.* And many of these working mothers are constantly being brought up on charges of being absent without leave—the absence caused by their staying home when a promised baby-sitter failed to show.

We have the foundation for setting up adequate child care centers in New York City. The buildings are there. And the daytime staffs are there.

I have some charts of a survey of the postal employees. I questioned them on the availability of what they actually need. This chart shows the responses from the Bronx. I found that about 8% of the children were under the age of five. The majority were over the age of five. I also questioned them about the kind of care they are receiving from parents, grandparents, other relations, and also agencies. You find here that they don't use any.

The next question was, Are they satisfied with the type of child care they are getting. The majority was very dissatisfied with it. The next question was, "Did they try to get night care?" The majority tried and did not receive it.

The second phase I want to show you is a map of the Bronx. There are 64 facilities available. I went through the Dept. of Health Issues, a magazine listing the facilities they have available. In the sliding scale category, because they are all working mothers and they don't have the money available, I got the heaviest response from the women in the South Bronx. The red marks show where the day care centers are located in projects so with these centers being located there they can have a ready market of people who might be able to work because they are near home. My next area is in Brooklyn, in the Bedford-Stuyvesant area. I feel that only 45 can be used by post office women with the salary they're making. N.Y.C. is a little better off than the rest of the country as far as the number of centers, but I found that as working mothers, our women had no priorities.

This is the Queens area—90 centers and only 16 that I feel can be used. In Staten Island there are only 8 and 6 that they use. Somebody has to come up with a program to give these people centers near their homes so they don't have to travel.

Mrs. ABZUG. I want to ask just one question of you. There has been some discussion and difference of opinion with respect to the location of 24-hour centers and other facilities for working women. I take it that you're saying that women in your union feel that these centers should be located not in the plant where they work but near where they live. Is that correct?

Mrs. BAILEY. Yes. This is because of the hours that the women work at night. All we're saying is, don't build something new, just use the day care centers that are not being used at night. And transportation should be available. What about the public buses? Like the school buses, if you want to take your children home? We're asking that something be done to help our women. Thank you very much for listening to me and I hope you understand our problem. The need is clear, the foundations are already in existence and all we need is some action. Please don't study us any more, we have been studied to death. Thank you very much. (Applause)

Mrs. ABZUG. I hope we can move this on to action. We're going to have a crusade of children and mothers this year in Congress and I'm sure that that will get the action we need.

STATEMENT BY BARBARA SMITH, CHAIRMAN CITY HEAD START COMMITTEE

Mrs. SMITH. The City-Wide Head Start Council, representing 6500 children and 10,000 parents, wishes to thank Mrs. Bella Abzug for the opportunity to present our views on child care. We are Head Start parents whose children are now attending head start centers. One hundred and sixteen of our centers run on a 3½ hour basis, while 10 run on a 6-hour basis. We emphatically support legislation which will expand the Head Start program to serve more parents and children in our 26 poverty areas, retain the identity and high quality of our programs and insure the permanent funding of Head Start. The benefits of Head Start are well documented.

I want to draw your attention to the Kirshner report of May 1970. In this study Head Start parents initiated and were involved in 94% of the institutional changes in their communities in the U.S. 80% of these changes were identified as in the educational area. The thousands of parents of Head Start have boldly demonstrated that their primary concern is the health and education of their children.

Can any one really deny to these parents and children the right to an education in

the first critical stages of a productive and interesting life? Anybody who does merely wishes to perpetuate the cycle of poverty. I personally feel that is true now.

Therefore, we urge that legislation on child care include the components of Head Start and insure the continuation of Head Start. Head Start is a three-pronged program: one, it is education of the child; two, it is leadership development of the parents, and last, it is community action.

One of the most important components is parent education. We reject any concept except that in which the parents elect and serve as the policy-making body for their program. We wish to emphasize the concept of maximum participation. Only a parent or child can express and strive for the conditions which will make his life productive. The right of a parent to be intimately involved in the development and management of this program must not be legislated away. Enabling legislation such as insuring that enrolled children's parents must compose the policy-making committee of each center and Council must be part of any child care legislation.

In order to insure maximum participation, a small portion of funds have always been allocated for babysitting, carfare and lunch. These funds have been one of the wisest expenditures in the Head Start program. It has given poverty parents the opportunity to participate in the committee meetings and policy council decisions that have affected the lives of thousands.

Through the City-Wide council parents' efforts, 20 more agencies have been added to the NYC program in the last two years. Head Start was provided for 1200 more children and parents per year. Jobs and training for approximately 200 parents and staff was identified this last year and leadership training for 80 poverty parents was initiated through the efforts of the City-Wide Council. Further examples are the efforts in the City-Wide Council on housing, welfare rights and the Interim Commission on Agency for Child Development.

We also stress that child care must provide a strong educational curriculum, especially in light of the recent Harvard studies that have emphasized a child's intelligence doubles before the age of six. We think it is an extremely crucial time in his life. Legislation must endorse a strong educational component.

If the nation is to prevent the tragedy of wasted human potential, if the nation is to stop the cumulative financial drain, then it must invest in its children from the earliest age. May we clearly state that when we speak of the educational component, we are talking of what abilities are nurtured, what cultures are understood and cherished, what values are learned, what attitudes are taught and what kind of loving care the child receives.

For if his culture is negated, his self-respect destroyed, his values killed, he will not learn, will not want to learn, and will take his first steps to a nonproductive life. We urge the inclusion of a multiculture education, especially trilingual education, since out of our 6500 children, a majority are Black, Spanish and Chinese.

It follows that we endorse the concept of community controlled Head Start child care legislation. Each of our centers operate on a community-based theory. Parents and staff are actively recruited and utilized from the neighborhood. Resources are negotiated from the neighborhood, community action is directed and supported by the neighborhood. Community representatives comprise the minority portion of the policy committee at each center, delegate and city-wide level. Such a concept leads us to another valuable piece of Headstart, using of paraprofessionals in teaching capacities and assisting parents. We do not negate the necessity of academic training but we do endorse legislation that provides for the employment of personnel on the basis of training and experience and assist in providing for further requirements which will lead into further career development.

Legislation that would assist in community development is legislation that provides renovation and purchasing of site costs in the appropriation. At this point and time Head Start centers are unable to purchase sites and must utilize money from their operating budgets for renovation. These factors could be alleviated by placing Head Start in a permanent funding category with purchasing and renovating rights in the budget.

Head Start is one of the least expensive parts of the child care program to operate. The cost for 12 full operating months is approximately $1800 per child, a small amount when measured against the gains, against the financial drain we see around us in drug addiction and violence. One hundred and sixteen centers offer half-day programs, thus cutting down on personnel costs. These have proven to be highly beneficial to both parents and children. It provides children with a learning environment, complete medical and dental checkups and nutritional food plus supplemental social services, mental and psychological services. Parents receive benefits from the development of the leadership of themselves, participation in training programs, volunteering employment, assistance in changing the social conditions that have formed the system that surrounds them and gives them hope for the future.

In conclusion, we emphatically state that any legislation that does not include funding of the components we have outlined—strong educational programs, enrolled parents as policy makers, permanent funding for Head Start, community controlled agencies, multicultural, renovations, parent activity funds, training and utilization of community parents in the career development and community actions would be construed as a gigantic turning of the back on the needs of the poverty parents.

STATEMENT BY THELMA DAILEY, DISTRICT 65

Mrs. DAILEY. At our union, District 65, we also have been exploring the question of the child care problem. It is a known fact that child care centers are inadequate today. We would like to throw out some of the ideas we have been kicking around and hope that you can help us draw some conclusions that would help us to get the center we need.

We thought of two things: the center in the community and the center on the job, or near it. For example, we have under contract the Lerner Shop warehouse which is located at 33rd Street and 10th Ave. There are approximately 1,000 workers there and I would say that over half are women. Of course, this means that many of these women have child care problems. That's to be expected. Now how do we bring the center to the job? We have been exploring the possibility of setting up a center not on the premises but nearby. This is also true in the garment area where we have many thousands of workers. Take, for instance, Johnny, who is under one year of age, cannot be put into a center because he has not reached the accepted age of 2½. Therefore, it means that we need a center that will be able to take Johnny in early, before he is one year of age. Therefore, we would like to see a center or centers near the Lerner shop whereby a parent could take Johnny down in the morning and bring him back in the evening.

We are thinking of asking the city for one subway train or cars set aside for parents and children in the morning. For instance, the mother would be due at work at 9 a.m. She would go to work at 10:00 instead on this special train. Instead of leaving at 5 P.M. she would leave at 6 with Johnny. The child would have breakfast with Mommy in the morning at home and he could also have lunch with her because she would be in the neighborhood. He would have dinner at the center with the other children, then his mother would pick him up in time for his snack and his bath.

Now this would do several things. It would help Johnny to start thinking logically at a very early age, which is very important. It would also give mother the opportunity to appreciate Johnny just a little bit more because she would not have to say to herself, Please, let me get him into bed and out of my hair, I am so very tired. I have had so many problems all day long, now I cannot come home and feed him and do all the things I normally have to do. This would help in many ways.

I have not said anything about the 4-day work week but I think we should discuss it and consider it. It is very feasible. I think this would also help to insure that Johnny would sleep all night without any problems even if he was under one year of age. I am not going to make this a long dissertation. I would like to say that I have two young ladies with me who are from the Lerner shops. They both have young kids, I think one is three and one is under 3. I would like at this particular time to introduce to you Romana Hollman.

Mrs. HOLLMAN. I have a son who is 3 years old and right now he's staying with a licensed sitter that I got through the Bureau of Child Welfare, and I would like to get him into a day care center, but then I think of all the trouble it took for me to get him into this home with a licensed sitter. It took me six months with a lot of medical examinations and so forth, a lot of worry. I know I am sure that if I put in an application for a day care center it would take me months and by the time I do get him in he will be old enough to go to school.

Mrs. DAILEY. The next person is Peggy Stokes.

Mrs. STOKES. I have a daughter who is 3 and my cousin is keeping her at the house because at this time I cannot get any child care. I can't pick her up on time. The center closes at 5:30 p.m. and I don't get home that early. I would like your cooperation.

Mrs. DAILEY. I would just like to say that I hope eventually we will have as many child care centers as we have liquor stores in New York City.

STATEMENT BY REV. SAMUEL WINDHAM

Reverend WINDHAM. I'm happy to have the opportunity to say something on the subject of 24-hour child care centers. As minister of Samuel's Temple on 125th Street, I have been providing this service—24-hour care, 6 days a week—to 135 children for over 1½ years and that experience gives me some knowledge in the field.

For instance, I know that such a service is needed. The job market is simply too tight today to tell a poor woman that merely because she has children of school age or pre-school age, she cannot accept a job for anything but the standard 9–5 shift. There are too many good jobs which poor people want and need to let such a thing happen.

I also know that the service is needed on a drop-in basis to handle a variety of emergency and human situations—illness, unexpected travel plans, etc.—which are common in any community.

I know that the evening or night sessions can be safe, enjoyable and productive experiences for the children—in the same way that the daytime programs are.

And I know that it is both wasteful and wrong to close a child care center down at 6 o'clock, when it could so easily continue to serve community needs.

Now, the new Agency for Child Development is showing some inclination to respond to this need and we are presently in negotiations to set up a experimental program in the Temple. It is my hope that very quickly

this pilot program will be followed by 24-hour centers all over the city.

In conclusion, let me simply add that the need is very real and the means to satisfy that need already exist in the form of over 150 day care centers which now close their doors at 4 or 5 in the afternoon. It is, therefore, crucial that the new agency carry through in its commitment to provide better, more inclusive child care services to the people of the city.

QUESTIONS FROM THE FLOOR

QUESTION. Do you find that the 24 hour day care center relieves the mother at night?

Rev. WINDHAM. We have 3 sessions at the center. We have children that stay the night.

QUESTION. Is it any good for the children to be taken into the center in the night time?

Rev. WINDHAM. Most of the mothers leave their children in the afternoon and pick them up in the morning. There is no reason for the mother to pick up the child at night unless she wasn't able to pick him up earlier for personal reasons.

QUESTION. How do you staff a 24 hour child care center?

Rev. WINDHAM. We fought for the type of staffing we thought we needed, so the night staff includes a registered nurse and someone we feel is capable of handling children. We are presently writing guidelines for this so I am trying to answer this the best I can. The night program requires a qualified person, someone especially that has a knowledge of children's sleeping behavior or what happens when a kid becomes sick.

We have two educational sessions—one during the day and one when the night session starts at 3 p.m. approximately to the night meal. What kind of curriculum? We have a parents advisory committee that recommends some of the things they wish their children to learn. We have an early childhood teacher who sets the curriculum for the center. We have a staff of teachers who have early childhood licenses and therefore they set the curriculum. The children who attend the center range in age from six months to five years.

QUESTION. How many do you have at night? Do you have a requirement that the night children must be children of working parents?

Rev. WINDHAM. The numbers vary, depending on the change of shifts of the people involved. Sometimes we have more children than at other times, but the minimum number of children we have is 20. Some nights we have as many as 40. Very often the mother's shift changes.

STATEMENT BY VANGLEE COLSTON, DEPARTMENT STORE WORKER'S UNION

Mrs. COLSTON. My name is Vanglee Colston and I'm a member of the Department Store Workers Union. I am a living example of the nightmare arrangement. I am the mother of five children, ranging from the age of 7 through 15. I have been a working mother at sometime before each of these children was of school age. There have been times I have paid someone to keep them that I felt were not qualified to give them the proper care and to love them. I sometimes went to work worrying, with my heart very heavy, worrying if my child was cared for, fed, and loved. Because of the non-dependability of some sitters, you are left frustrated. You have the hardship of finding someone at the last moment to replace them. Also, you find a high rate of absenteeism among working women.

Due to the fact that the cost of living has risen to such heights that we can no longer live on our husbands' salaries, we have more working mothers now than ever before. Even working, our tax structures leave a lot to be desired, especially in the income bracket of $7,000 to $8,000 and I mean by that the money they allow you for deduction of expenses for a child. Before a child reaches school age, it is important that he develop a proper attitude towards living. He should be loved, well fed, and properly supervised at all times. He must have a chance to learn and to be aware of his surroundings. Day Care Centers provide all of these things, leaving the mother with less worry and lightening the hardship of paying out large sums of money that she cannot afford.

We should have more management concern and government-sponsored programs and we could set up centers at central locations in our community. For instance, at the schools, churches, and community centers.

With such a large force of working mothers in the metropolitan area, and I got this figure from the Social Service Department, they have 155 nurseries as of last month. Twenty-seven of these are in the borough in which I live, the Bronx. And they have long waiting lists. It is very hard when you are poor, and some of us will never make it. Our children are our future leaders and citizens so before I close, I wish that everyone could really understand the hardships of mothers that try to stay off the welfare rolls, that try to help your husbands to make it, and you cannot see your way through, but let's save the children.

Peggy Hoenig: I'm a neighborhood educator at P.S. 33, and I don't think I need to convince you that we do need day care and night care. All of the previous speakers have given you all of the statistics and the need is quite evident. In my school which is participating in the Follow Through program, we have something that is known as a family room. This room is staffed with five women and any mother in the neighborhood who has to shop, go to the doctor, go to work or whatever, can come and leave her child there, from nine to three. This is the hours that the school is open. And it seems to me that this might be a possible solution to the problem. I don't see why all schools can't have this. It's funded by OEO, and it exists in this school. I see no reason why it can't exist in all schools. Some of the previous speakers have spoken about the fact that the Centers need to be open 24 hours a day. I would think that this would be a reasonable solution too. The school building is there. I see no reason why it has to be closed up. Another suggestion in line with this is the fact that many of the mothers who are on welfare, who say that they want to go to school to improve their educational abilities could certainly be taught in the school. It seems to me that it's a combinaion of many things, not only caring for the children, but having programs for the mothers to educate themselves also.

STATEMENT BY AL COHEN, CHINATOWN PLANNING COUNCIL

Mr. COHEN. I am speaking with several hats as Executive Director of the Chinatown Planning Council, as board member of the United Child Day Care Council of the Lower East Side, and as a member of the Borough President of Manhattan's Advisory Committee on Day Care. I think my expertise comes basically as one of those latchkey kids who never quite made it to the Day Care Center, who roamed around the streets with a key pinned to his shirt while my mother searched desperately for space for me. I never did make it.

I'd like to speak on several points. I think it becomes imperative, particularly in New York City, that the community planning boards and the planning division begin to consider that no housing be built in New York City City and that no schools be built in New York City without provision and consideration being made for the inclusion of day care centers and early childhood centers in those schools. Now I think one of our particular needs in New York City is the need for space. We are always coming across this problem. We are rehabilitating old buildings at fantastic cost in order to put in these needed centers and yet we have these large facilities that are natural for day care centers being built and no consideration is made for the inclusion of these services.

In terms of housing, low income housing and middle income housing projects are very appropriate for the inclusion of these services. Schools are also a natural where the older siblings are left off to go a full day and it would be perfectly natural and feasible for day care centers to be included. Also when we think of areas outside of New York City, consideration should be given the fact that businesses include day care centers in their physical plants or in a space nearby to the plant. In New York City, many people can commute by public transportation and there's a lot of space available for day care centers in their own neighborhoods. When you get out into the rural and suburban areas, many of the workers have cars.

There are no central facilities for day care centers and it makes it perfectly appropriate for plants to include these within the physical confines of their establishment or perhaps in a school nearby.

So I think that when the Congresswoman is considering national legislation she should also consider the needs outside of New York City in terms of urban and suburban areas. I would like to strongly emphasize the fact that it has been clearly stated time and time again this morning that we need legislation which will encompass the needs of all women and parents for day care services.

There is a divisive element now that we feel is stemming from Congress and the President to split the communities and to emphasize the needs of welfare recipients for day care. I think this is an error and I think that we have to correct this error immediately. We need to emphasize that this is a right, a social utility for all people regardless of income level. And I think it would be a grave mistake to let ourselves be trapped into a position that we are only concerning ourselves with welfare people. Time and time again, on the Lower East Side we find that all people need this service and want this service. With the critical shortage of funds, the emphasis is to place it on low income and for welfare recipients. Again, it only adds to the present divisiveness that is occurring throughout New York City and I think this is a terrible mistake. Let us not be trapped by it. Chinatown Planning Council runs currently the largest after-school day care center in New York City. It sounds grandiose and I think we have a total of 200 kids at present in our program. The smallness of this number points out the absurdity of our being the largest day care center and after school day care center in New York City. I think the after school day care center has lagged in New York City. Many people do not know about after school day care centers, but we feel that this is a very important part of the Day Care Services—as much as all day and all evening care.

This is a program whereby working mothers of school age children can leave their children in our centers from 3:15 to 6:30 or 7 in the evening, depending upon the need. This is an important element in keeping children off the streets and giving them supportive services in certain areas. In our community it helps especially because the children are not English speaking, but Puerto Rican or Chinese. It gives them supplemental help in English and homework studies. It is really an excellent and exciting program. However, even within this program, we can make revisions to keep it exciting and stimulating. And the programs that have failed in other parts of the city we feel did so because of stringent regulations

imposed by the DOSS in terms of standards. We're not against standards of having professional teachers where needed, but we also feel there are other people that can perform adequately and even better than some of the professional teachers in these after school centers. And one of the reasons that these programs have lagged and have fallen apart is that they have not been challenging and stimulating to the children who have been in school all day and then must sit in school or other facilities for two hours. They can be creative. They can be challenging. And I think our experiences in Chinatown where our program has been in operation for a year and a half, we have 99% attendance daily. Our program has been spectacular. We get tremendous parent cooperation. At our parents' meetings we are averaging 95 to 98 percent attendance, while the PTA's in the same schools can only attract about five people to their meetings. So I would like to strongly emphasize that in any national piece of legislation that is being constructed that the inclusion of all-day care services be included.

STATEMENT BY BRENDA FASTEAU, NATIONAL ORGANIZATION FOR WOMEN

Mrs. FASTEAU. I am the National Vice President of NOW in charge of legislation for women. I'd like to tell you that our first priority this year is national child care legislation, above all other pieces of legislation. We are the main lobby voice for the women's movement. We have decided this is an issue which we cannot avoid any longer. It is something that we have all been wondering about in terms of how to get down to the basic details of what we mean by national child care legislation. We have helped ourselves along by articulating that what we are talking about is something that is good for all children.

If we think about children as the priority, we make it clear in our own minds what we in the National Organization for Women want. Although our stated constituency is women, we feel that if we think about how to serve children in this United States that we will be able to figure out not only the priorities in terms of child care legislation but the amounts of money that are necessary and in general all the different kinds of aspects of this very complicated kind of legislation. It is appropriate as an officer of NOW that I talk about my particular concerns with national Legislation even though that is by no means where we stop or even start. Child Care has got to go on. Child care centers have got to be developed at every level of the government. They've got to go ahead without national funding before we get national funding. I am a little bit concerned about this administration coming forth with the kind of funding that I think is necessary. I think a minimum of $10 billion is necessary to begin but I think that other people here have testified about the need for child care and I will therefore confine my remarks, which I will make very brief, to the legislation that will have to complement the efforts that are made at the local and state levels while we are pushing ahead.

There is a coalition in Washington that is attempting to develop a consensus piece of legislation for which we will then get cosponsors both in the Senate and in the House to go along with we hope. And one of the things that we, The National Organization for Women, have been pushing is the immediate recognition of the fact that all child care facilities must be as economically and racially integrated as possible.

I have been talking at great length to Dorothy Pittman whom you probably all know as the head of the West 80th St. Child Care Center in New York. She and I have both agreed that we have got to make these centers economically and racially integrated. I am emphasizing this because I think it is a mistake on the part of an awful lot of other kinds of civil rights groups and poverty groups to try to perpetuate the Head Start, the poverty kind of program. I feel very strongly and I want to make it very clear that that is a mistake from the point of view of the children. As Dorothy says, all the children who live in welfare hotels are going to learn from each other is more about welfare hotels. We've got to get all children in there. It is just as important for a middle class child to learn from a welfare child as vice versa, if not more so. And it is just as important that all children learn together and grow together. And the one thing that I am hoping that we will be able to do in Congress is get through the idea that this is a right for all children.

I feel so strongly about it that I have to say it all the time and I begin to feel as though I am making an obvious point. But too many people are overlooking that and there is too much of a chance that unless we are extremely cautious, particularly in this administration, that we are going to end up with another poverty program which is not going to work.

We all are aware of the problems of delivery systems and how if we ignore the fact that the southern states are likely to be a big problem if we give the states an enormous amount of power for the poor people in the southern states. We then get into more complicated questions of how the delivery system should work out. And our feeling is that this has got to be community control without any question at all, parent control, and that this can be done in national legislation.

This is something that all of the groups concerned with child care feel very strongly about. I am worried. The thing that worries me the most, the thing that I have to keep on reiterating is that if we don't work together and if the civil rights groups and the groups that represent primarily the black constituency in this country don't realize that what we want is economic integration and racial integration for all children that we are going to perpetuate something that the public schools have made a mess out of. And everything has gone wrong as a result of this concern for an emphasis on the poverty groups. It doesn't mean, and I should make this clear, that parents who can afford to pay for child care centers should not pay. I believe in a sliding scale approach and I believe that could be worked out and has been worked out in a draft bill that we are working on in this coalition. But that does not preclude the fact that the facilities that exist have got to be made available for all children even though there may be some poor children who won't be able to get in because there will be some middle class children who will be let in. NOW is not a middle class group. We don't just represent middle class women. We are talking about children now because we feel that's the only way to talk for women. And when we talk about children we mean for everyone and we don't mean another poverty program. With that, I will close because that's where it's at right now.

THE DAY CARE AND CHILD DEVELOPMENT COUNCIL OF AMERICA, INC.

(Statement by Erika E. Streuer, Special Assistant for Public Affairs)

Miss STREUER. I am pleased to have this opportunity to appear before you today to discuss the national need for quality child care services in the United States. I represent the Day Care and Child Development Council of America, a national, voluntary citizens' organization formed to promote public awareness of the need for child care. Our membership is composed of local citizen groups and lay and professional leaders throughout the country who share our concerns, and our commitment to universally available child care.

The need for 24 hour child care, the focus of your hearings today, is an issue which has been almost completely overlooked. Twenty-four hour day care is often dismissed as a frivolous demand. Nothing could be further from the truth. Twenty-four hour day care, which could also be called night care, is an absolute necessity for the thousands of mothers who work nights.

The lack of quality child care for the children of all working mothers is so great as to be of crisis proportions throughout the country. And of the groups of working mothers, women who work nights have the greatest difficulty in securing care for their children. If one may generalize, their handicap is dual. While it is difficult to find a good care situation for a child during the day, it is doubly and triply difficult at night. While some day care centers are available during the day and some excellent caretakers can be hired for daytime hours, both are almost impossible to obtain at night.

Centers which serve children at night are virtually nonexistent. The only ones which have come to the attention of our organization are an experimental program in Las Vegas in which the children are put on the same schedule as their parents who work in the nightclubs and two programs which are in the planning stage here in New York at two industrial parks. On top of the difficulty of obtaining night care, these mothers are among those who can least afford to pay the price of quality care. The jobs which women hold nights such as janitresses, waitresses and factory workers on the night shift, not to mention nurses, are among the lowest paid jobs in our economy.

I believe that in the area of day care we have another case of a syndrome I like to refer to as American split thinking. We believe in motherhood, defined as "mother's place is in the home," while at the same time we believe that people should work to maintain economic self sufficiency. We have yet to put the two together and realize that many good mothers must work to support their children and maintain economic independence. Thus, some of our best-known leaders in the field of early childhood continue to espouse the view that every good mother should stay at home, totally ignoring the millions of mothers who must and do work.

The thought processes involved are highly complex and beyond the capacity of a lay person to analyze. Somehow, however, the end result of our thinking seems to be that if we deny that mothers are working, the problem of how to adequately care for their children will go away. A harsher point of view would say that we believe it is only the "bad" mother who chooses to work and if she makes that choice, she should be punished. It is her responsibility to make arrangements. The community has neither an interest in nor a responsibility to her and her child.

Let us be sure of one thing: almost all mothers who work do so for economic reasons. The Department of Labor has found that "for the great majority of working women with young children, economic need is the most compelling reason. This need, in large measure, is determined by the husband's earnings, and the regularity of his employment. The higher his earnings, and the greater the security afforded by his job, the less likely the wife is to work." Basic statistics rapidly make this argument irrefutable: In March 1969, 11.6 million mothers with children under 18 years of age were working. Of these, 7.4 million had children 6 to 17 years of age, 2.1 million had children 3 to 5 years of age, and another 2.1 million had children under 3 years of age.

Looking at these 11.6 million working mothers from an economic need point of view, one finds that fully 2.7 million were the heads of their families, 2.2 million had hus-

bands whose incomes were less than $3,000, and an additional 2.6 million had husbands whose incomes fell between $3,000 and $5,000. In ⅓ of all families where both husband and wife worked, the husband's income was less than $5,000. These are very dreary statistics when one considers that this is still $1,700 short of the minimum family budget as defined by the Bureau of Labor Statistics.

In addition, one must also consider that the income levels of women are exceptionally low. The average yearly salary of a white woman is presently around $4,000 and of a black woman, $3,000. Putting these salary figures together with the costs of quality child care programs, one rapidly realizes that without a public subsidy, quality child care is within the financial reach of only the most privileged. A minimal estimate on the cost of a full day, full year program is around $2,000 per child and ranges upward to around $3,800.

Present Federal programs are, however, totally inadequate to meet even a fraction of the need. There is a myth which has built up around Washington that there are some 61 programs which support day care. This is true only if one interprets the law in its broadest terms, divides one program into multiple components and conjures up a mirage of possible uses to be made of programs created for quite another purpose. In actual fact, I would say there are two basic programs which support child care services: Title IV A of the Social Security Act which authorizes day care as a supportive service to poor families receiving Aid to Families with Dependent Children and the second is Head Start. Both of these programs are geared only to the very poor. Combined, they served approximately 249,000 children in 1970. Yet there are between three and four million children in this country living in poverty.

A hopeful sign over the last five years has been an increasing interest in and comprehension of the need for child care on the part of members of Congress. The last session of Congress saw five major proposals dealing with the provision of day care and early childhood development services introduced. Most were still geared exclusively to the poor. None would have provided adequate resources. None passed.

At least as many proposals have already been introduced in this new session of Congress and more are yet to come. We, at the Day Care and Child Development Council of America, are hopeful that a major piece of legislation will pass during this session. We believe that such legislation will define the basic structure of a new social institution and this structure will remain with us. Therefore, the contents of this piece of legislation become of utmost importance.

I believe there are four major issues which the consumers of child care must be aware of and must take stands on. These four issues are: appropriations levels, parent/community control, priority for service, and quality of service. Each proposal attempts to deal with each of these questions. While there is, perhaps, no one right way of doing anything, whatever way is chosen must, in our view, provide very specific outcomes.

To date, no proposal has been introduced which would provide adequate resources to meet but a tiny fraction of the need. The most ambitious proposals call for $2 billion and $4 billion per year. On the surface, this might sound like a great deal of money. But that is only because we contrast it with the present $400–$500 million being spent. We are too used to thinking small. Contrast it instead with the $70 odd billion we spend annually on defense and $2 billion sounds like pin money.

Let us look instead at what we can hope to accomplish with $2 billion. Assuming a conservative annual cost of $2,000 per child per year, we could serve 1,000,000 children across the country. There are, however, an estimated 3–4 million children under 5 living in poverty. There are an estimated 5 million children under 5 whose mothers work. The 2.7 million working female heads of families alone have 3.6 million children. There are additional millions of school age children whose mothers work. Is a five, six and seven year old child mature enough to care for himself at home while his mother is at work? We would suggest emphatically NO. While an accurate estimate of necessary resources will not be available until we know exactly how many children need what kind of care and better cost figures are available, a better guess at necessary appropriations levels is around $30 billion.

Any system which is devised for providing child care services must insure parents a decisive role in the planning, operation and evaluation of programs in which their children participate. The parents and the community should decide what types of programs they want for their children, what the goals of these programs shall be and what the curriculum shall be. In too many programs we have been told what is best for us, what we shall have. We would submit that parents and the community are in the best position to assess their own needs and make decisions based on that assessment. A delivery system which is structured from the top administrative level down rather than from the community up will make parent and community control impossible.

While we are building a university available system, some decisions will have to be made as to who shall be served first while services and facilities are limited. At the same time, a system which builds an integrated program, racially, economically and culturally, must be provided. We would argue that first priority for publicly subsidized services must go to the poor, defined realistically, and to single parent families and children of mothers who must work for economic reasons. These are the groups which most desperately need child care.

Finally, we must insist on quality child care. Too many studies have proven that the first five years of a child's life are the most important in his development. Jerome Bruner has shown that over half of a child's intellectual growth occurs before he is five years old. Other studies have proven that very young children need intense individualized care for their emotional, social and intellectual development. We can no longer allow most of a child's waking hours to be wasted in a dismal situation in which he is physically safe, but mentally and emotionally starved. We must insist on educational, nutritional, medical and social components in all of our programs and we must insist that enough qualified personnel is available to assure individualized care to each child.

These, then, are the four essential elements of any bill. When a bill which encompasses these elements is introduced, it is our hope that everyone in need of child care and aware of others' needs will band together to support that bill.

Statement by Congressman William F. Ryan

Title VII of the Civil Rights Act of 1964 banned discrimination in employment based on sex.

Yet job equality still remains a myth.

The various forms of discrimination commonly practiced against women in employment have been far too well documented to need detailing here. I believe it is sufficient to note that women receive less pay for the same work and lower annual salaries than men; that women have very little opportunity for promotion; that few women have been allowed to enter the professions or executive positions. Perhaps one of the most shocking facts is that the U.S. Fifth Circuit Court of Appeals ruled that a corporation could refuse to employ a woman because she had preschool children.

There are more than 26 million pre-school children in this country, and while there are over 4 million children under 6 whose mothers work, there are less than 700,000 licensed day care center slots in the Nation. This situation is intolerable.

The Federal government must play a leading role in the establishment of community controlled, day (and night) care centers for children of families of all social and economic backgrounds.

Day care must be considerably more than merely custodial or a babysitting service. In order to be a remotely adequate program it must be aimed at the developmental needs of the children. There has been a tendency to feel that anyone can take care of small children, that the process of providing for the needs of young children is something that does not require professional skill or adequate support or backup. The educational, nutritional and social service elements of child care programs must be given the most strenuous emphasis.

We must provide the funds for a full range of child care programs and services designed to promote the intellectual, social, emotional and physical growth of children. We must provide full-time, part-time, day, night, intermittent and other services—all on the basis of quality and all available as the right of every family.

Although the government must take the lead in providing child care services, we must not ignore the contribution which the private sector can and must make. Industry, business, labor, employee and labor-management organizations should contribute to community programs and provide quality facilities at or near a place of business in the context of total community plans. The right of the family to child care can be effectively exercised only by direction at the community level where comprehensive services can be provided, parents can be totally involved and programs can be consolidated, integrated and coordinated.

I am hopeful that this hearing will bring the goal of universal child care much closer to reality.

Statement of Congressman Joseph P. Addabbo

I am pleased to present this statement in support of more comprehensive child care programs and the need for 24 hour child care facilities in our city. First, permit me to commend my distinguished colleague who is conducting these important hearings. Representative Bella Abzug has once again shown her deep concern and insight into the problems of our city and other large cities across the nation.

The subject of child care is one which requires greater public understanding and new approaches by those in public office at all levels. We in the Congress must recognize that child care facilities are not just another series of structures to be financed by public funds or to be used as a gimmick to force welfare mothers to find employment. Child care is not a subject limited to mortar and bricks nor is it a problem faced only by welfare recipients.

One of the problems being discussed here today is the question of child care for the children of mothers who work at night. This is an important subject and one which should be aired and brought to light. The witnesses who are testifying at these hearings include Federal employees from the Postal Service and other workers who perform services vital to the residents of this city, such as telephone operators. Their services are needed by this city during evening and early morning hours, yet our child care services are geared to serve those persons who work during the day.

The demands of our city for service should be matched fairly and equitably by our willingness to provide services demanded by those who receive service. I support efforts to

provide 24 hour child care services for that reason and because I believe to turn our back on those who work at night is discriminatory.

I believe we must also provide incentives for families to use the method of child care best suited for their own situation—whether it be in the home or at a child care center. In order to help provide that incentive I have this past week cosponsored legislation to increase the maximum income tax deduction for child care expenses from $600 for one child or $900 for two or more children to a more realistic amount of $1000 for one child or $1500 for two or more children. It is time to update our tax deductions to include money spent for human needs such as child care instead of only those directly related to business such as entertainment.

There are, of course, many other changes in our child care programs which must be made and new, perhaps, experimental programs tested before we can take pride in our nation's child care services. As a Member of Congress I am anxious to hear suggestions for new directions in these efforts and as a member of the House Appropriations Committee I am ready to vote to provide adequate funds to implement existing programs and any new legislation enacted into law.

Hearings like these will produce those new approaches to child care. Then the responsibility lies with your elected officials at local, state and federal levels to translate those new approaches into new legislation and to back those ideas with meaningful programs.

THE CLEAN TEENS—A NEW WAY TO THINK AND TO LIVE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, each generation of Americans searches for the ways and means of improving our standards, our values, and the quality of life. This has been so since the days of our pioneering forebearers; it is true today. Hopefully it will be the pattern of youth from generation to generation. I have seen no better examples of the idealism of today's youth than by the work of an organization in Dickson, Tenn., which is known as and well deserves the title of "The Clean Teens of Tennessee."

The objective of the Clean Teens is to join teenagers together to learn more, do more, and teach more about the environmental protection of society. This organization may still be small in numbers, but its concept is broad and visionary, thanks to its founder, Mr. J. Padgett Kelly, and to the enthusiasm of its charter members whose names I am inserting in the RECORD as a matter of historical achievement. The Clean Teens believe we must look at our environment from all aspects of life whether they be moral, religious, economic, ethical, biological, or chemical. They believe they must enlist the support of their parents, businessmen, and community leaders.

The Clean Teens have already been rewarded for their efforts and I feel assured their successes will beget future success. I include an article in the RECORD from the Tennessee Conservationist entitled "The Clean Teens" by Ged Petit.

The list of charter members and the article follows:

CHARTER MEMBERS OF THE CLEAN TEENS

Sue Robinson, Jenny Martin, Linda Harris, Debbie Lannom, Jeffrey Tipton, John Buttrey, Johnny Noland, Debbie Webster, Connie Parker, Debbie Bain, Debbie Gilmer, Dan Walker, Gary Cathey, Jimmy Christy, Karen Weaver, Donald Miller, Mickey Tidwell, Sonny Wilmoth, Camille Weaver, Donnie Parker, Susan Nestor, and Gay Baker.

Cindy Gaskins, Donna Taylor, Teddy Helberg, Anita Baggett, Bob Cherry, Larry Richardson, David Gray, Arlene Cathey, Debbie Trew, Linda Duke, Paula Carrothers, Phil Russell, Jim Coleman, Mike Collins, Belinda Powers, Norman Daniel, Chris Wright, Linda Fussell, Steve Montgomery, Jimmy Hill, Doug Field, and Martha Ann Kunzleman.

THE CLEAN TEENS

(By Ged Petit)

A young high school Biology teacher in Dickson, Tennessee, free enough to get involved in the environmental battle, saw a need. J. Padgett Kelly, who holds an MSC in Biology, believes that environmental biology should be a required subject in all schools. He did something positive, and in the fall of 1968 he began weaving environment, ecology, ecosystems, food webbs, defoliation, air pollution, pesticide, indicators, solid wastes, survival, and a lot of other new topics into his high school biology lectures. His sophomore biology students were stimulated by these topics but in time they felt helpless as they began to realize their own environment was being made potentially uninhabitable by leaps, bounds, smokestacks, drainage ditches, pollution permits, passiveness, permissive courts, second best waste treatment, and many other ways.

By April of 1970 Kelly was in his second year of teaching; fellow teachers and students in Dickson wanted to do more, so the clean teens of Tennessee became a reality. A charter was drawn up. It calls for joining teenagers together in a statewide organization bent on learning more about their total environment; subsequently involving and teaching others; learning by experience and then teaching others by their example as to how to get it done. The scope of their total environment involves all phases of life whether they be moral, religious, economic, ethical, biological, chemical or other—so it is the fullest scope of human environment to which these young adults are addressing themselves.

Their progress as an infant organization, numbering approximately 100, was slow. They kept studying and learning, but they began writing letters pro and con to various officials and agencies; they factually stimulated and awakened to varying degrees, parents, business and communty leaders, as well as fellow students and neighbors; they urged store owners to stock merchandise packaged in re-usable containers; they took field trips to look at and sample polluted water; they counted dead fish resulting from a nearby pollution kill; they invited guest speakers to help them get the total picture.

A bond issue was passed in Dickson to finance a needed sewerage treatment plant and the group wondered if they had really had some bearing on this decision. They achieved some local and statewide newspaper coverage; they planned and held their first annual Applied Environmental Study weekend at Nathan Bedford Forest State Park on Kentucky Reservoir, at Eva, Tennessee. There they discovered some people really did care; that they cared enough to help them better equip themselves to both answer, and pose environmental questions.

They received help from the National Wildlife Federation; the Boy Scouts of America; The Tennessee Department of Conservation; The Dickson Sportsmans' Club; many parents and local people and personnel of the Tennessee Game and Fish Commission. For three days they talked, learned, experienced, questioned and lived ecology, economics, environment and survival. They heard Nathan Bedford Forrest Park Superintendent Paul Reitz recount some of the history behind the environment they were visiting; Dr. Ted James, a dynamic young ecologist from U.T. Martin explained some of the delicate checks and balances existing in our environment; Mac Prichard, Tennessee Department of Conservation Naturalist, pictorially explained the progressive misuse of Tennessee resources; Dr. Raymond Decolibus, Dupont chemist, taught them about the physical nature and limitations of water; Richard Abels, Dupont waste treatment engineer, explained primary, secondary, tertiary and re-use treatment to them. He told them the days of Dilu-Treatment are on their way out, and that total re-use and/or 100% treatment must be made a reality; Harry O'Donnell, director of the Department of Conservation's Division of Information and Tourist Promotion told the group tourism was now Tennessee's single largest money making industry—that it generated over 1/5 of the state's total retail business in 1969 and that over 20,000 businesses and 100,000 Tennesseans were directly involved in the tourist business. Game and Fish Commission biologists, John R. Conder and this author led the group on an applied limnology (fresh water ecology) field trip to the edge of Kentucky Reservoir where the group took their own samples and were shown factual evidence of some of the pollution problems there. They were led in early morning nature appreciation walks along Nathan Bedford Forrest Park nature trails.

Dr. Hunter Hancock, Chairman of the Biology Department at Murray State University, Murray, Kentucky, a veteran pollution fighter, encouraged the group to keep striving, and advised that it would not be easy to help change man's attitude toward his own environment in these days of supposed plenty. He advised the youth if they continued their learning ways they would be better equipped to be our environmental reform leaders.

On Sunday, in a non-sectarian service in God's first cathedral-the outdoors, the group was led in prayer by one of their volunteer adult leaders, Judge William Fields. The message—that God did not intend for us to misuse our natural resources anymore than he intended for us to misuse our lives, bodies, and fellowmen—came through quite clearly.

The Clean Teens of Tennessee are growing at their own chosen rate. They stayed active all summer, meeting with various groups such as Four H and Boy Scouts; delivering their message of concern. They have already done a lot, but their continued effectiveness and ability to sustain themselves financially still bothers them, because at a relatively early stage in life they are learning that too few people really care enough to help!

Their membership has voted in a dues system and is striving to gain statewide affiliate members. But, they are continuing to be selective. Kelly, no doubt, has a new group of sophomores, but the veteran junior and senior Clean Teens are still there doing their level best in everyday life to make this a truly better state and world to live in.

The Clean Teens of Tennessee, with a little help, and encouragement from all of us, can grow as an organization to work for, and with us, to make our world better. I urge any of you whether you be principals, teachers, students, garden club members, community leaders, sportsmen, or just plain citizens, to invite these young adults to your area and listen to their message. They can

help all of us become better Americans. If you don't believe me, I challenge you to write and invite them. They can be reached at. The Clean Teens of Tennessee, P.O. Box 308, Dickson, Tennessee 37055.

A BILL TO PROMOTE FAIR COMPETITION BY PROHIBITING UNFAIR PRICING PRACTICES

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. SHRIVER. Mr. Speaker, I am today introducing legislation to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

This bill is identical to those introduced earlier this year by the distinguished chairman of the House Select Committee on Small Business, Congressman JOE EVINS, and by Senator JOHN SPARKMAN, chairman of the Senate Banking, Housing and Urban Affairs Committee.

Under present law, small businessmen and local industries are powerless to protect themselves against predatory pricing policies of conglomerate companies. These large companies, which sell enormous quantities of many different items, can afford to lower prices below cost on selected staples, such as milk, bread and meats, and thereby pressure small businessmen to do the same or lose business.

While the individual consumer might benefit in the short run from this situation, it should be remembered that if these small competitors are forced out of business by these tactics, big concerns will be free from competition to set future prices on these and other items at whatever level they please.

We have already seen the irrevocable damage to our diversified free enterprise system which can result from the steady march to conglomerates and the use of unfair pricing policies. There are today, for example, only about one-tenth as many independent dairies and independent bakers in our country as there were at the end of World War II.

Americans are beginning to awaken to the drabness which can come with noncompetitive bigness and sameness. We must provide independent business and local industries the opportunity to restore a fresh diversity to our marketplace. To do this, these entrepreneurs do not need special favors and laws. They do require, however, fair access to the market based on the merits of their products and services.

My bill would go a long way in providing the protection these businessmen need. It prohibits the use of prices which are below cost, as interpreted by the courts in prior cases, whenever these lower prices are used with the intent to destroy competition or eliminate a competitor. It would give small businessmen themselves the power to initiate civil court action to halt such pricing policies, and if they prove their cases, treble damages would be paid by the offending party.

In introducing this bill, it is my intent to strengthen our antitrust law to prohibit unfair pricing policies. There are no better policemen to enforce this prohibition than the injured parties, and this bill gives them the power to do so.

REPRESENTATIVE MURPHY CITES EXCESSIVE TRANSPORTATION COSTS BORNE BY SMALL BUSINESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I noted with interest a speech made by my esteemed colleague, the gentleman from New York (Mr. MURPHY), before the U.S. Freight Forwarders Institute, on April 28 last.

His statement concerns the introduction of a bill providing for a reduction in the excessive shipping and related transportation costs which small business is forced to pay for the shipment of small quantities.

As chairman of the Select Committee on Small Business, a committee devoted to the preservation and protection of the interests of small business, I feel that Congressman MURPHY's statement is of interest to my colleagues and to the American people, and I place the address in the RECORD herewith.

The address follows:

REMARKS OF CONGRESSMAN JOHN M. MURPHY

I would like to open by remarks with a prediction that bankruptcies of businesses this year will produce $2,000,000,000 in aggregate losses.

My own staff studies suggest that the proven catastrophic trend of 1970 is even more pernicious in 1971, and, as usual, nearly all commercial failures are small business failures.

Over the past fifteen years, more than 200,000 small American businesses have collapsed.

In 1970 alone, almost 11,000 local merchants had to fold up the work and dreams of a lifetime because they simply could not compete in an economic world increasingly dominated by corporate giants, conglomerates, and octopodan holding companies.

As in most things, the terrible cost of these failures is borne by the American public, the American consumer. In the past 15 years, the liabilities have soared 400% from $520 million to $2 billion.

While the financial costs are staggering, the social costs are immeasurable. Who can gauge the disappointment, the unemployment, the despair and the misery which results from shattered enterprises and shattered lives. Suffice it to say our unemployment insurance, our public welfare programs, our food stamps, and our health care costs all reflect the toll of small business failures.

With rare, but nevertheless shocking exceptions, such as the foundering and floundering Penn Central Railroad, business failures are the almost exclusive province of small enterprises, local manufacturers and neighborhood retailers. Big business survives year after year, while small business is annually decimated.

I have developed a two-pronged attack on some fundamental causes of small business failures, and the measures I will outline are part of my consumer action program of 1971. Because it is the consumer that is my ultimate concern, for, we must insure that the goods of America reach him in a reliable manner at a reasonable and fair cost.

Yesterday I testified before the House government Operations Committee in behalf of a bill to establish a permanent office of consumer affairs in the Executive Office of the President, to have overall responsibility for insuring reliability and fairness for the consumer. This Office is certainly necessary today in America, but it will be doomed to failure as an effective agency if we do not simultaneously attack the root causes of small business failures.

Because small business is the backbone of American business, failures are most directly underwritten by the public it serves—the American consumer.

The first aspect of my twofold attack is the Small Shipment Improvement Act of 1971 which I introduced early this year. Today I am reintroducing this measure with 24 cosponsors who have stepped forward in supporting this program. They represent a broad spectrum of the American public, both parties, and all regions of the country. I am advised that additional members will file separate but identical bills.

Transportation accounts for 20 percent of all goods and services produced annually, and the cost of any goods or services in America can be markedly affected by the transportation tack-on. These costs are, of course, passed along to the furthest point in the economic chain—the consumer, and we know that the smaller the business, the greater the unit transportation costs.

For example, it costs $15.64 to ship a single $100 television set from New York to Los Angeles. However, up to 500 pounds of TV's can be shipped between the same terminals for $19.56 per 100 pounds, and quantities up to 5,000 pounds can be shipped for $11.72 per 100 pounds. As you can clearly see, the small appliance dealer has to forgo up to 10 percent of his profit margin to match the big dealer's retail price. In this light, it is a marvel that any small business can survive in America in 1971.

It is abundantly clear that the failures of small business are owed in large part—if not in toto—to the excessive shipping and related transportation costs which the small business is forced to pay for the shipment of small quantities of freight.

My bill is aimed at stopping this trend in business failure by tackling head-on the unfair position that small businesses have been forced to accept in the interstate shipment of freight. H.R. 6242 will restore the small business to a viable position in the economic system.

The small shipment improvement act can be the cutting edge of the effort to make small business competitive in the American marketplace once again.

Big business ships container-load, trailer load, and rail-car-load lots at substantial unit savings through volume movements, while the small businessman is economically straitjacketed from enjoying similar savings even when consolidating his goods with other small shipments.

Obviously, small business cannot handle full-load movements. However, there can and should be a method whereby he can enjoy the fruits of efficiency of consolidated movements in order to compete in business. His only hope is the utilization of a middle man who can combine many small shipments into large lots.

This is where the small shipment improvement act comes into the picture. This legislation will permit the freight forwarder—the traditional agent of the small businessman and the small shipment customer—

to negotiate with railroads on a competitive basis arrangements for equipment utilization and other economic practices as well as the charges which forwarders pay for transportation services. This will ultimately provide for movement of small quantities of freight at reduced unit costs.

This legislation is not my invention alone. No indeed. It is the direct result of a study and recommendation by the Interstate Commerce Commission, and it is supported by the Departments of Defense, Justice and Transportation, as well as the Federal Maritime Commission. The ICC study was undertaken at the direction of the House committee on interstate and foreign commerce last year, and was aimed at finding a method of making the freight forwarder industry a viable business on behalf of the small shipper.

Said the ICC: "We believe the *Public will benefit* from this type of legislation through expander forwarder service and *lower rates.*"

Lower rates for the shipper, lower prices for the consumer.

Passage of this legislation can turn the tide for small business in America. If we can realign that 20 percent transportation figure so that the small merchant is less disadvantaged than the giant, small business will be restored to a position of competitiveness in the American marketplace.

But passage of this legislation alone will not be entirely effective if we do not also attack a second inequity in the small shipment business, i.e. the presence of the so-called "non-profit" shipping associations.

This is the mechanism whereby the big business club bands together to grab still another advantage over the small businessman.

These groups usually move only the most desirable and profitable shipments, leaving the undesirable and marginal loads to the regulated carriers who cannot refuse them. These shipping clubs, which operate on an invitation only basis, consolidate the lucrative loads and skim the cream off the bottle, while the regulated industry suffers.

I believe these exclusive little clubs violate the intent of the Congress, and flirt with a violation of the law, and I am calling for immediate executive and congressional investigation of these special arrangements.

I am asking the Departments of Transportation and Justice, and the Interstate Commerce Commission, to launch an immediate study of "non-profit" shipping associations from top to bottom, and to scrutinize the transportation syndicates that have grown up outside the purview of the Interstate Commerce Act. I believe such a study would reveal that these arrangements should be dismantled.

The House Interstate and Foreign Commerce Committee should also study these arrangements with a view to writing legislation to prevent their operation to the advantage of the giants and to the detriment of the small businessman and the American consumer.

I would like to see this bucket of worms tipped over because I know the American public will come out ahead when the smoke clears.

ISRAEL'S ANNIVERSARY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. DERWINSKI. Mr. Speaker, Friday was the 23d anniversary of the Republic of Israel. The new state's independence was proclaimed on May 14, 1948, the day that Great Britain gave up its mandate over Palestine. The first country that welcomed Israel to the family of nations by granting it recognition was the United States.

Almost a quarter of a century has elapsed since the momentous day that the people of Palestine threw off the shackles of colonialism. Thousands of immigrants, who had suffered persecution in National Socialist Germany and Communist Russia, began life anew in Israel. Many of them brought scientific skills to add to the talents possessed by the native population.

The industrious inhabitants of this tiny state have made the desert blossom like the rose and have labored mightily to establish an enduring nation. Unfortunately, Israel has been plagued throughout its existence by wars and threats of war. Its strategic position at the crossroads of the Old World make compulsory military service mandatory and the expenditure of over a third of its budget for defense a necessity

Mr. Speaker, I rejoice with the people of Israel as they observe the anniversary of their independence, I salute them because of their material accomplishments, and I honor them for having provided a home for the oppressed. I also admire them because they had the audacity to thumb their noses at the Bear.

RESOLUTION OF SAN DIEGO COUNTY FEDERATION OF REPUBLICAN WOMEN'S CLUBS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert a resolution provided me by one of my constituents. This resolution was adopted by the San Diego County Federation of Republican Women's Clubs on January 11, 1971.

Recognizing the clear and present danger which the Communist Party presents to our Nation acting in its officially recognized capacity as an agency of the Soviet Union the San Diego Federation of Republican Women's Clubs asks that the Communist Party of the United States be outlawed.

The resolution follows.

OUTLAW THE COMMUNIST PARTY IN THE UNITED STATES

Whereas, the Communist Party is controlled by a foreign power, and its members are loyal first to that power, and

Whereas, no organization whose members are disloyal to the United States should have legal status, and under no consideration should be permitted to run for any public office, to work in any defense industry, nor in any school of elementary, secondary or higher education, and

Whereas, when we are, and have been fighting Communists in other parts of the world, we are allowing the dangerous and unreasonable consent for its existence in the United States, and

Whereas, to give our courts greater authority, our courageous police greater assurance, and the traitors in our Country swift judgment, THEREFORE BE IT

Resolved That we, the San Diego County Federation of Republican Women's Clubs, urge Congress and the Supreme Court of California and the United States to outlaw the Communist Party in the United States now therefore be it further

Resolved that copies of this resolution be forwarded to the President of the United States, to Vice-President Agnew and to our two United States Senators.

Adopted by the San Diego County Federation of Republican Women's Clubs, January 11, 1971, at their County Board Meeting, Bahia Motor Hotel, San Diego, California.

INVESTIGATION NEEDED INTO FAA HANDLING OF CONTROLLER DISMISSALS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. MATSUNAGA. Mr. Speaker, more than a year has passed since the air traffic controller "sick-out" of 1970, but the bitterness and personal tragedy it has engendered are still with us.

Some 57 controllers were fired by the Federal Aviation Administration; another 1,800 were suspended for limited periods of time. Without exception, those fired were either officials or leaders of the union involved in the sick-out.

In the 91st Congress, I joined the distinguished gentleman from Florida (Mr. PEPPER) and a number of my other colleagues in sponsoring a resolution which called for a suspension of adverse personnel actions by the FAA, pending an investigation by the House Commerce Committee. No action was taken on this resolution, perhaps because it was felt that the 57 individuals fired would have access to impartial justice in the hearings and review machinery within FAA. Mr. Speaker, there is apparently grave doubt about the "justice" that internal FAA reviews are affording.

I have obtained the transcript of a hearing held in connection with the dismissal of one controller, Mr. Henry Van Sant, who worked in the tower at Honolulu International Airport. The transcript documents the fact that 22 controllers had been charged with violations serious enough to warrant dismissal, but these charges were eventually dropped in every case except Mr. Van Sant's. The controller's chief explaining why he had fired Mr. Van Sant, revealed a great deal about how "just" the firings were:

Q. May I ask why (Van Sant alone was fired), Mr. O'Hara?

A: Frankly it came from up above shall we say.

Q: Who was the man above?

A: It goes clear up to the Administrator of the FAA.

Q: Mr. John Schaefer (sic)?

A: Yes.

At a later point, the chief admits that, had he not received "guidelines" from FAA headquarters, he would have suspended Mr. Van Sant for several days, rather than fire him, as he did to every other controller who could not supply adequate medical evidence of illness.

This hearing record differs markedly from what Members of Congress has been led to expect. FAA Administrator Shaffer, in a letter to me last year, assured me that:

Each case involving a proposed dismissal [will] be closely scrutinized and considered on its individual merits.

Because of this seeming contradiction between stated policy and actual experience, and because each of the 57 controllers dismissed deserved a fair hearing and decision based on the evidence presented, I am today reintroducing my earlier resolution. I urge that the investigation called for in the resolution be begun as quickly as possible, so that the House of Representatives might exercise some oversight in what the evidence seems to indicate has become a less than objective proceeding.

At this point, Mr. Speaker, I would like to include certain relevant parts of the transcript to which I have referred:

(The Attorney for the dismissed Controller Van Sant is questioning Mr. O'Hara, the controller chief who actually did the firing.)

Q. Now, you stated that approximately 22 air traffic controllers at your facility received the same first three charges. All except Mr. Van Sant had Charge 2 and its Specifications dropped against them, did they not?

A. Affirmative, yes.

Q. And were you aware that some of the air traffic controllers who had this charge and specification dropped against them did not report to their place of duty, within 24 hours, or furnish adequate medical proof of their illness?

A. Yes.

Q. But never the less, you dropped this charge and specification against all of the controllers at your facility except Mr. Van Sant's.

A. Yes, sir.

EXAMINATION

By the hearing officer

Q. May I ask why, Mr. O'Hara.

A. Frankly it came from up above shall we say.

Q. Who was the man above?

A. It goes clear up to the Administrator of the FAA.

Q. Mr. John Schaefer?

A. Yes.

Q. So you don't know the reason why you were ordered to drop the charge as to the others?

A. Negative.

Q. Will you explain why Mr. Van Sant was removed.

A. Because he was termed to be a leader [in PATCO].

Q. Is that your understanding of the instructions from Mr. Schaefer?

A. Certainly was.

Q. Therefore, my understanding is because Mr. Van Sant is a leader they are taking action against him but not on the other 22.

A. Well, the others—I believe the number is eleven—are facing suspensions for the number of days that they were absent.

Q. How many charges were filed against the others?

A. Absent without authority.

Q. The first three charges the same as Mr. Van Sant's?

A. Originally, but later dropped.

Q. The second and third dropped?

A. Affirmative.

Q. Striking against the U.S. Government, and also failing to comply with lawful order.

A. Correct.

Q. The others were charged with unlawful absence?

A. Affirmative.

Q. What were the reasons the other two [charges] were omitted?

A. I don't know.

Q. Orders from up above?

A. Yes.

BLUE EARTH COMMISSIONERS SUPPORT SCS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. NELSEN. Mr. Speaker, the Commissioners in Blue Earth County, Minn., have written me to express their great concern about misleading, biased publicity which they believe is damaging to the U.S. Soil Conservation Service. They have noted examples of valuable services received by Blue Earth County from the SCS, and they have asked that such services be considered in evaluating the work of the SCS.

Their letter of testimony is signed by Commissioners Lester A. Anderson, Phil B. Anderson, Ronald G. Evans, Robert N. Hodapp, and David W. Stevens and was notarized by H. G. Stangland, county auditor, in Mankato, Minn.

I am pleased to bring to the attention of my colleagues the views of the board, and I insert their letter at this point in the RECORD:

Hon. ANCHER NELSEN,
Member of Congress,
Rayburn Office Building,
Washington, D.C.

DEAR MR. NELSEN: The County Board of Commissioners of Blue Earth County are deeply disturbed by some of the articles we have read concerning the Soil Conservation Service. One example: The article titled "Crisis on our Rivers" in the December issue of the Readers Digest.

It appears to our Board that the articles are definitely biased, and are not presenting the true picture of the Soil Conservation Service Program.

We would like to briefly cite some examples of their cooperation with our Board in Blue Earth County.

First: The Soil Conservation Service, in cooperation with our Board, is accelerating the Soil Survey program. The entire County is to be Soil Surveyed by the fall of 1973, on a cost-share basis. This will include detailed soil interpretations. Our Board will be able to use this in our programs of Planning and Zoning, Flood Plain Zoning, and Equalization of Land Taxation, already they have given us information on Soils for Sanitary Land Fill Sites and made several on site investigations for our Planning and Zoning program.

Second: Soil Conservation Service cooperated with guidance, and engineering assistance, in the development of a Multiple Purpose Lake Level Control Structure in Blue Earth County. This was a cooperative venture of the people around the lake, the State Department of Natural Resources (formerly State Conservation Department), the Agricultural Conservation Program, three local Sportsmens Clubs, the Southern Minnesota Waterfowl Association, the Soil and Water Conservation District, the Minnesota State Highway Department, and our Board of Commissioners. All above mentioned organizations contributed dollars or construction equipment to the project. This was all done by mutual agreement. Primary benefits: Lake Improvement and Flood Control.

Third: They and the Soil and Water Conservation District Board of Supervisors have cooperated in the development and writing of a "Policy" for our Board to follow in assisting local people with Flood Control Projects.

Fourth: We are presently cooperating with the Soil Conservation Service as one County in a River Basin Study. To date, we have had fine cooperation with the River Basin Planning Party.

Above is a sampling of the Soil Conservation Service Program in Blue Earth County. Had it not been for the Soil Conservation Service, our Board would not have had the above services available. We urge you to consider the above comments when evaluating the Soil Conservation Service.

Yours truly,

BLUE EARTH COUNTY BOARD OF COMMISSIONERS.
LESTER A. ANDERSON.
PHIL B. ANDERSON.
RONALD G. EVANS.
ROBERT N. HODAPP.
DAVID W. STEVENS.

Attest: H. G. Stangland, County Auditor.

J. EDGAR HOOVER REGARDED HIGHLY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. FUQUA. Mr. Speaker, attempting to preserve public order has never been nor will it ever be a popular task. It is for this reason that it is amazing that criticism of the Federal Bureau of Investigation has been so limited and this is a very real tribute to its Director, J. Edgar Hoover.

I regret the criticism which has been directed toward Mr. Hoover, but in a more positive vein I want to express my personal high regard for a man who has set a standard of excellence for service.

When he became head of the Justice Department's Division of Investigation in 1924, it was because an agency was in trouble.

It seems to me to be the finest tribute that one can pay to that agency today by stating that its standards have been the highest.

Eight Presidents have served since Mr. Hoover began his notable service in 1924. Each of these were men of strong minds and convictions.

A Franklin D. Roosevelt or a Harry S Truman cannot be criticized for being ignorant of the need for strong men to serve in the highest positions of responsibility—and only the uninformed would not consider the Director of the FBI in that category—and they were two of the eight leaders of this Nation who made that decision.

The FBI has achieved a mark of excellence which I submit no other Federal agency can match.

The record is clear.

I think it is equally clear that J. Edgar Hoover has established a mark of distinguished service which has never been equaled.

LEAGUE OF WOMEN VOTERS OF NORWALK MARKS HALF A CENTURY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. McKINNEY. Mr. Speaker, the Norwalk League of Women Voters is celebrating its 50th anniversary this year. Recently the Norwalk Hour published a comprehensive look at some of the great accomplishments this fine group has recorded in that time. I would like to share this account with my colleagues in the House. It begins with a message from this year's President Mrs. Catherine McNamara.

PRESIDENT'S MESSAGE

"Fifty Years of a Great Idea"—an idea that grew out of the women's suffrage movements continues today as the League of Women Voters directs its efforts toward citizen involvement in the issues of our time.

The challenges will be even greater in the next few years as an increasing population makes increasing demands for more and better housing, for cleaner air and water and many other things making more apparent our need for an efficient and responsive government.

Although the League works on all three levels of government, it is a grass roots organization and the Norwalk League's problem-solving efforts begin here at home. Through the years, the League has worked almost continuously toward a more efficient government through charter revision. Although in 1970 the electorate finally voted in a few charter changes after seven abortive tries, this is only a beginning: Norwalk still has an outmoded and complicated form of government.

The League will continue to work toward more unity in Norwalk through the elimination of overlapping services. We also hope to see a truly unified library system that Norwalk can be proud of. As long-time supporters of first-rate education, we will continue to keep ourselves and the community informed about our schools and will try to promote better communications between the school system and the public. As civic watch dogs we will continue to search for a solution to our housing problems; we want improvement in our zoning, and we look to the day when the Planning and Zoning Commissions will be combined.

The '70's will see more and more citizens becoming eligible to vote, as the 18-year old franchise will probably be extended to include all elections, on all levels, within the next couple of years. This will necessitate an increase in our Voters Service to the community. This non-partisan service ranges from printed information about candidates and issues, about how and where to register, to use the voting machine to facts about our city government.

Yet as part of the League of Women Voters of Connecticut and of the United States, the United States, the Norwalk League, along with Leagues throughout the state and nation will be working in areas such as tax reform election laws, environment and welfare, to name just a few issues on our extensive program.

Because of the nature of our organization, there still remain a number of important issues on which the League cannot take a position. We take stands on legislation only after study and after consensus is reached by our members. Sometimes, many of us wish that the League could have its voice heard on every issue. But in the final analysis, the League of Women Voters, by taking the time to inform itself and reach agreement on selected issues before it speaks out, can contribute more toward ensuing the democratic process.

THE BEGINNING

Following ratification of the 19th Amendment (August 26, 1920) granting women citizens the right to vote, the work of the National Women's Suffrage Association ended. The natural outgrowth of that organization was the National League of Women Voters, founded January 21, 1920 "to increase the effectiveness of women's votes in furthering better government," in the words of Carrie Chapman Catt, founder and first president.

The League was organized in the state in 1921, and soon after, the Norwalk League came into existence. Miss Mary Kirby Jennings was the first president; she served from 1921–1924.

In an interview some years ago, Miss Jennings recalled that in 1921 "there was a need to educate people for the vote and to be knowledgeable in a 'political situation.'"

"In order to cope with this problem," Miss Jennings continued, "a group of interested citizens, both men and women, met at the Dengler home in South Norwalk to round up someone who would be responsible."

As Miss Jennings pointed out, "In most situations of this sort, responsibility does fall to the woman."

"Fortunately," she added, "a nucleus of civic-minded women was available, women who had worked together rolling surgical dressings during the war." (World War I)

Miss Jennings concluded: "Headquarters were established on Wall Street; someone came from the State headquarters to assist with the organization, and the League of Women Voters of Norwalk was underway."

HIGHLIGHTS OF FIVE DECADES

1921—Founding of the League of Women Voters of Norwalk "to promote political responsibility through informed and active participation of citizens in government," a non-partisan organization.

1920's—Local committee on Causes and Cures for War—Support of League of Nations and World Court—Jury duty for women supported, bill not passed until 1937, but League kept issue alive.

1925—General discussion on plight of education in the schools.

1927—Supported zoning measure for city which became law—Favored redistricting of Taxing Districts to help finance sewage system.

1930's—Studied a Merit System for government employes—Studied public health problems and maternal care, including need for prenatal clinic—Supported work of Veneral Disease clinic and was instrumental in having its full appropriation restored by Board of Estimate.

1931—Disputed placement of Board of Education under jurisdiction of Board of Estimate.

1932—Began a study (which continues today) of a revision of the city charter and the related problem of the Taxing Districts. Conducted a survey on jury duty.

1933—Studied Taxing Districts again, with emphasis on "overlapping services"—Need for a new high school recommended to city, calling education "most essential of services."

1934—Supported the Council-Manager charter written in the city's first major attempt at charter revision (Charter was defeated).

1937—Held moot trial in Stamford showing importance of women on juries—Jury duty for women became law—Merit System went into effect—Series held on legal status of women.

1938—Brought about city appointment of full-time Health Officer—Protested ruling against married teachers.

1940's—Supported statutory change in the primaries—Continued study of city charter (charter proposals written in 1949 were not acted upon).

1944—First League handbook on local government "Know Your City" (subsequent editions published in 1946, 1954, 1956, 1961, 1969)—Refresher courses on city government.

Mid 1940's—Protested teachers' salaries as "lowest in nine surrounding towns"; recommended school system "be investigated by outside source"; pointed out need for new junior high school construction and lack of funds provided by city for school libraries.

1945—Protested conditions at slaughterhouse at Butler street and Harbor avenue; need for city planning pointed out.

1946—Voters Service committee established to carry on a voter education program throughout year; distribution of information and candidates meetings—variety of activities in support of the United Nations.

1947—Debated state vs. personal income tax—Intensive study of local social welfare agencies, focusing on institutions for chronically ill and infirm; visited private institutions and disclosed substandard conditions; Naramake Home for Aged subsequently closed. Recommended a State institution rather than a private one be created to care for aged—Started publication of League Bulletin, now issued monthly.

1949—Workshops on "Know Your Town" (continued till 1954) with local officials explaining operation of city government—Urged codification of city charter.

1950's—Study of Court system and support for State Court reform (statewide)—Published "How to Build a School"; worked steadily for improvement in local education—Began study on revision of the State constitution; supported particularly ban on dual office holding, removal of legislators' salaries from constitution, annual budget sessions, and Home Rule (all these came to pass)—Election laws: support for Direct Primary.

1951—At request of Mayor, helped organize city-wide United Nations committee for observance of UN week; continued to do so annually for many years.

1953—County government eliminated—Study of city charter (sole item on local program).

1954–55—Work continued on need for revision of the state constitution; Published column in Norwalk Hour, "The State We're In."

1956—As part of National League program, sponsored Freedom Forum on Individual Liberty for six weeks; six separate study groups throughout city—Exhibit on "Freedom to Read" in Norwalk libraries—Subsequently studied Federal Loyalty-Security program and supported less restrictive measures which later went into effect.

1957—Home Rule Act passed—Called for revision of the city charter "to improve the function of local city government"; city appointed Charter Revision Commission, including two League members; League's charter study intensified and support given to Council-Manager government; Commission proposed Council-Manager form in final draft which never reached referendum (the Common Council killed it)—Organized Trick or Treat program for UNICEF, collecting upwards of $3,000 annually for several years.

1958–60—Support of liberalized trade policies and foreign economic aid; trade exhibits held in cooperation with local firms.

1959—Published "Norwalk Schools Today" with nine other local organizations, all interested in upgrading education—Circuit Court system adopted, ending municipal and justice courts dating back to colonial times and held at have overlapping jurisdiction—Award from State League for local distribution of its Voters' Scoreboard.

1960—Survey on city government (80 percent of people did not know that Norwalk had Weak Mayor form of government).

1961—League members and community leaders celebrated 40th birthday of League with gala supper at Silvermine Tavern. Mayor proclaimed September 24–30 as League of Women Voters Week—Opposed Strong-Mayor-Administrator charter which failed at polls—Supported establishment of Norwalk Community College—Published new edition of handbook "This Is Norwalk."

1962—Stressed importance of foreign trade to economic well-being of Norwalk; ran newspaper series, magazine article and had exhibit of imports and exports from the city—Gave "reluctant support" to "hastily drawn" new charter revision proposals and stated this "qualified support in no way changes our goal for complete charter revision in Norwalk," proposals were defeated at polls—Backed five amendments to State Constitution pertaining to election laws—Opposed "High Rise" ordinance, as written.

1963—Conducted man-in-the-street interviews for new "Voter Speaks" newspaper column in Norwalk Hour, with photographs; pertinent questions on local government asked.

1964—Spurred voter registration drive by appearing at meetings of other organizations wearing suffragette costumes—As part of local planning study, toured New Haven renewal project by bus.

1965—Sought support of Common Council and Mayor in adopting Code of Ethics for city officials—Held public discussion on Economic Opportunity Act—In support of state constitutional revision to be voted in December, conducted motorcade through city; new Constitution was adopted by electorate at polls.

1966—Supported formation of Human Relations Commission in Norwalk—Backed Connecticut's "Clean Water Task Force" proposals—Following years of study of a fair system of representation in the General Assembly, supported reapportionment of State legislature; one-man, one-vote concept was approved by voters—20,000 copies of League's Voters Guide, largest number ever, distributed widely in city; besides usual information on candidates and issues, contained new voting precincts resulting from reapportionment and map—Favored latest proposed charter changes and ran series in Norwalk Hour explaining them; once again, charter revision was turned down by the voters.

1967—Major League report documented lack of "equality of opportunity" in local housing—Toured New Haven to study latest housing developments there—Study of "Two Chinas" policy led to national League's recommendation for easing strained relations.

1968—Sought new directions in park and playground development; sent questionaires to local members of state legislature as part of state study on effectiveness of General Assembly—Voters Guide published in Norwalk Hour in its entirety which has become an annual service.

1969—Worked with Norwalk Alliance for Voters and urged scheduling of extra voter registration days in fall; a record 300 new voters were made at Belden avenue Post Office one Saturady in September—Testified at Common Council hearing for concept of Fair Rent Commission, later authorized and funded—Latest edition of handbook entitled "Norwalk" brought information on city government up to date.

1970—Two members appointed to latest Charter Revision Commission; seven proposals made, with League supporting all but one, for first time, all proposed revisions passed—Saw need for full-time zoning enforcement officer; testified before zoning commission, board of estimate, common council, wrote articles and letters to newspaper urging this appointment; matter still pending in 1971—New study made of Norwalk school system—Began study of Norwalk library system.

1971—Supported by petition, congressional representation for Washington, D.C.—Annual sessions of General Assembly finally voted in by electorate—Following study of Connecticut's finances, supported state income tax.

1970–71 Officers and Directors

President, Mrs. William B. McNamara; First Vice President, Mrs. Robert Slote; Second Vice President, Mrs. Albert Sokolowski; Recording Secretary, Mrs. George Schaumann; Corresponding Secretary, Mrs. H. B. Frankel; Treasurer, Mrs. Elliot Levy.

Membership, Mrs. Kenneth Sneider and Mrs. Albert Mayer; Finance, Mrs. Isadore Ryducka; Public Relations, Mrs. Takao Akiyama and Mrs. Thomas Maloff; Bulletin Editor, Mrs. Peter DeTroy; Publications, Mrs. Edpleby; Publications, Mrs. Edward Scovner; Voters Service, Mrs. Daniel Helmstadter.

National Program; Human Resources, Mrs. Robert Steinberg; Environment, Mrs. Dan Charnas; Congress, Mrs. Douglas Potts.

State Program: Connecticut's Finances, Mrs. D. E. Glass; Legislative Director, Mrs. Gennaro D'Addio.

Local Program: Education, Mrs. Justin Glickson and Mrs. Bob Smith; Zoning, Mrs. Michael Buzzeo; Charter Revision, Mrs. Frederick Triest and Mrs. Gennaro D'Addio; Libraries, Mrs. Frederick Triest; Calendar Chairman, Mrs. Joseph Messier.

Nominating: Chairman, Mrs. Philip Siegel; Committee, Mrs. Norman Sacks and Mrs. James Roden.

League Members In Government

Mrs. Alexander (Barbara) Andrews, Housing Authority; Mrs. Richard (Patsy) Brescia, Common Council Member-at-Large; Mrs. William (Janice) Green, Parks and Recreation Commission; Mrs. Lewis (Lee) Mintz, Board of Education; Mrs. Jack (Shirley) Pollard, Planning Commission; Mrs. Willard (Judy) Salzer, Human Relations Commission; Mrs. John Steer, CDAP Housing Sites, Redevelopment Agency.

Two past-presidents have been candidates for mayor: Mrs. Helena Hill Weed (1927) and Mrs. Jennie F. Cave (1951, 1965, 1967 and 1969). A third was director of the Women's Bureau of the U.S. Department of Labor from 1952–1960, Mrs. Alice K. Leopold.

LWV Presidents, Norwalk, 1921–71

1921–24—Miss Mary Kirby Jennings; 1924–26—Mrs. Helena Hill Weed; 1926–32—Mrs. George Scott Hubbell; 1932–34—Mrs. Robert Morrison; 1934–36—Mrs. Charles D. Rogers; 1936–42—Mrs. William Lockwood, Jr.; 1942–43—Mrs. Alice K. Leopold.

1943–47—Mrs. Lloyd Cave; 1947–49—Mrs. Rolf Hurup; 1949—Mrs. Leon Stehr; 1950–53—Mrs. Charles D. Rogers; 1953–55—Mrs. William Lockwood, Jr.; 1955–57—Mrs. W. K. Chen; 1957–61—Mrs. Frederick J. Triest.

1961–63—Mrs. Kenneth L. Curtis; 1963–65—Mrs. Frederick J. Triest; 1965–67—Mrs. Willard Salzer; 1967—Mrs. David Hachen; 1967–68—Mrs. William Clayman; 1968–69—Mrs. William Green; 1969–71—Mrs. William McNamara.

J. EDGAR HOOVER

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1971

Mr. CEDERBERG. Mr. Speaker, I would like to use this opportunity to express my longstanding admiration for FBI Director J. Edgar Hoover. I am sure you will agree that anything we might say in praise of Mr. Hoover would do justice neither to his distinguished service nor our appreciation of it. Very briefly, I would like to respond to recent attacks on the Director. It is unfortunate that some see fit to thank 47 years' service with unsupported accusations and subtle innuendo. Whether this criticism is sincerely offered or politically motivated is a question I will not speculate on. However, I should like to remind my colleagues of two facts familiar to us all: First, the power located in the Federal Bureau of Investigation is authorized by the same Constitution which legitimizes this body, and, second, any misuse of this power is liable to procedural review. There exist channels for such review. I should think that any doubts or suspicions would find their proper forum in these channels.

For myself, I have no doubt that the Bureau's long and distinguished record accurately reflects its Director's professional and legal competence. My sincerest hope is that we can look forward to the same dedicated service in the future as we have experienced in the past. I thank Mr. Hoover for rewarding our trust in him and our form of government.

OPINION OF PROPOSED MINIMUM WAGE LEGISLATURE UPON THE POOR

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. LLOYD. Mr. Speaker, for 18½ years Mr. Ward C. Holbrook was a member and chairman of the Public Welfare Commission of the State of Utah. Few, if any, in our State's history have had the knowledge and depth or the insight possessed by Mr. Holbrook in his study and compassion for the poor, and few have had his experience in working with poverty families and to assist low-income families in securing opportunity.

His comments regarding the proposed Minimum Wage Act as contained in a letter to Chairman Mills are therefore of important significance, and I commend the reading to my colleagues.

I include the letter as follows:

Bountiful, Utah. *April 23, 1971.*

Hon. Wilbur D. Mills
U.S. Representative,
House of Representatives Office Building,
Washington, D.C.

Dear Representative Mills: I have observed the announcement concerning your proposal to increase the Minimum Wage to $2.00 an hour. I have great concern about the fact that top people in government, including the President, and the members of the Congress, do not realize that there are inadequate people in the world and that there are many persons whose time and effort is not worth $1.60 an hour—perhaps not even worth $1.00 an hour even under present conditions.

I served 18½ years in the leadership of the Public Welfare program in Utah and I am deeply conscious of the type of people that we deal with and the things that appear necessary to assist them with their problems. I retired from this position April 1, 1971;

but, some months earlier I developed, for the use of our Legislators and other citizens, a document with the hope that it will be of value to you in making such vital decisions as the one you are now advocating.

Recently, there was published information relating to the fact that the poor in Asia, South America, and other countries are happy even though their standards are far below that of welfare recipients in the United States. The reason for this mainly is due to the fact that the poor in other countries are gainfully employed. Whereas, the poor in America are without employment; and, consequently, are denied the opportunity of experiencing the satisfaction of seeing the products of ones own labor. Without dwelling more on the increase of the Minimum Wage, may I express the hope that you will find time to examine the attached document relating to this. Further, may I hazard the prediction that if the $2.00 Minimum Wage is made effective, that within 12 months of the effective date 1,000,000 people in the United States will be without employment because of this reason alone; and, they and their families will be totally dependent upon public assistance. I believe this matter deserves careful examination by the most capable people in the country; and, I am very much of the opinion that it will be discovered that millions of people are on public assistance because of the Minimum Wage Act of the United States and that their extreme unhappiness is largely the result of their being denied the opportunity to be productive. Further, it must not be overlooked that efforts made by states in years past, such as in the past several years in Utah, to require able bodied people to work, by top officials in the United States Government, particularly after the WIN program was inaugurated but was frowned upon and discouraged before that. I know of nothing more conducive to the wellbeing of the poor than providing an opportunity to work in normal channels even at low wages—perhaps with government financial supplementation. Next to this should be the firm requirement that able bodied people, both men and women, where home care of children is not involved, should be required to work at minimum hourly allowances so that there will always be incentive to seek more remunerative employment. I do hope that before pushing increase of Minimum Wage, the efforts of past Minimum Wage enactments will be carefully studied and that the affects that this has on the poor who cannot qualify—who by their own efforts cannot produce $2.00 worth of service to an employer—will be given consideration along with the things you suggest in the announcement relative to your intent.

Sincerely yours,

WARD C. HOLBROOK.

WEEK OF MAY 23 TO 29, REALTOR WEEK IN NEW YORK STATE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. SMITH of New York. Mr. Speaker, Governor Rockefeller has issued a proclamation naming the week of May 23 to 29, 1971, as Realtor Week in New York State.

I take this occasion to congratulate responsible realtors who adhere to their pledge to uphold the code of ethics of the National Association of Real Estate Boards in their dealings in home sales to the public. To the extent that the Tonawandas—New York—Board of Realtors, and in, fact, all realtors on the Niagara Frontier have lived up to this fine code of ethics, I congratulate them for being leaders in our communities in helping to solve the problems of home-ownership and housing.

The text of Governor Rockefeller's proclamation follows:

PROCLAMATION

Private real property ownership is an inherent right and principal safeguard of this, a free society, evidenced in New York State and throughout the nation by the fact that more than two-thirds of our families own their homes.

The protection of this right has been advanced by the Realtors of New York State by adherence to their pledge to uphold the code of ethics of the National Association of Real Estate Boards in their dealings in home sales to the public.

These Realtors by the very nature of their occupations deal daily with the community in general and its homes in particular.

Responsible Realtors have done much by advocating programs encouraging home ownership and seeking to assist in the solution of housing problems in our communities through the activities of their broad Make America Better Program.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the week of May 23-29, 1971, as "Realtor Week" in New York State.

UNITED HOUSING FOUNDATION BACKS BADILLO PLAN FOR EMERGENCY AID TO CITIES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. BADILLO. Mr. Speaker, when I took the floor of the House on March 4 to deliver my first major speech as the Congressman from New York's 21st District, I did so with a deep sense of urgency over the fiscal crisis facing our cities and the failure of both Congress and the administration to deal with that crisis in any meaningful way.

In that speech, I made a proposal aimed at alleviating this crisis while a long-term approach to the fiscal needs of State and local governments could be worked out. My proposal was given legislative form on April 7 when I introduced with bipartisan support from 23 House colleagues, H.R. 7367, the Intergovernmental Emergency Advance Act of 1971. I introduced an identical measure with four additional cosponsors on May 13.

This bill authorizes a 2-year program of Federal loans to city and State governments totaling $10 billion in each year and repayable interest-free over a 50-year period. The loans would be allocated according to the general revenue-sharing formula proposed by the administration. It would mean $378.6 million for New York City in each of the next 2 fiscal years.

Since I first proposed this emergency measure, encouraging statements have come from many quarters, including the Citizens Budget Commission of New York, the New York Post, the New York Daily News, El Diario, El Tiempo, and the Center for Urban Education.

Most recently, it was described as "the most practical solution to the immediate crises which face the major cities of our Nation," by Mr. Harold Ostroff, executive vice president of the United Housing Foundation. Mr. Ostroff's comments appear in the May issue of the Foundation's newspaper "The Cooperator," and I present them for inclusion in the RECORD:

BADILLO PROPOSES PRACTICAL EMERGENCY AID FOR CITIES

Over the years the word "crisis" has become the most overused word in the English language. It has been used so often that it hardly seems adequate to cope with the situation now that the real crisis is at hand. It is much like the story of the boy crying wolf so often to get attention that, when the wolf did appear, no one paid attention to him.

Until now the financial "crisis" of our city (and others) have been able to be resolved with assistance from the State and by use of the "rainy day fund". The time has now come when the city's real crisis is so acute that it is beyond the capacity of the State to solve its problems. Relief can only come from Washington and, from all indications, relief in one form or another will be forthcoming when Congress decides how to best handle this emergency.

Many proposals have been made, which will eventually assist the beleaguered cities. Whether the relief will come in the form of revenue sharing, direct federal payments for welfare, or increased funds for other programs like education, housing, transportation or by other proposals, is yet to be determined. These are questions which Congress will be debating for a long time.

In the meantime, the services provided by the cities and states to the people, mostly to the poor, the aged and the ill, are being drastically curtailed. The food allowance for those on welfare has been reduced to 90c a day; the ill are being turned away from hospitals; treatment for addicts has been suspended; school lunch programs for children are threatened; colleges may not be able to accept the next freshman class; thousands of city and state employees are losing their jobs.

While Congress seeks a solution to the real crisis which now exist, the situation will get worse.

THE BADILLO PROGRAM

Congressman Herman Badillo (former Bronx Borough President) clearly recognizes the urgency of the immediate critical problems of the cities as well as the need for long-range Federal assistance to the cities and states. On March 4, 1971 he proposed a sound program to deal with the immediate critical situation, while Congress studies and debates more long-range solutions.

Speaking in the House of Representatives, he said:

"My main concern today, Mr. Speaker, is not so much with the development of a long-range solution to the fiscal crisis of our states and cities. I am confident that a sound approach will be worked out and enacted by this 92nd Congress. But it seems clear from the discussion and debate which have already taken place that this is not likely to take place this year, and it may well come too late to be effective before 1973. But our cities can't wait two years and what disturbs me most today is the apparent lack of urgency with which we in Congress are approaching the problem. I know that New York City cannot wait two years.

In New York, for example, it is clear to all of us who have been involved in the city and its problems that immediate, massive financial help is a matter of its very survival.

Private enterprise long ago abandoned the city's slums, and it is now adandoning the city altogether. As business and industry and the white middle class flee the city for surburban sanctuaries, New York becomes more and more a ghetto of the poor and the disadvantaged—a city almost lacking all ability to govern itself—to provide the basic services of urban life.

In the light of this, we cannot afford to deal with our urban fiscal crisis on a 'business as usual' basis. The lengthy, reasoned debate over revenue-sharing and its alternatives will have all the appearance of Nero fiddling while Rome burned. I say to my colleagues in the House and the Senate—and I say to the American people—that if we're going to save our cities from destruction we must do it now and we must do it with a massive infusion of money if this nation's cities are not to sink irretrievably into filth, decay and crime.

I think we can provide that help—quickly and effectively. I propose that Congress authorize a 20 billion dollar federal bond issue at current market interest rates to finance 10 billion in 50 year interest-free loans to our states and cities this year and an additional 10 billion dollars next year. I propose that these loans be apportioned according to the formula in the administration's general revenue-sharing plan and with the same pass-through provision.

Under this self-help, emergency loan program New York State would receive one billion sixty-eight million dollars in the fiscal year beginning July 1 of this year and the same amount the following July 1. Because of the pass-through provision, New York City would receive a desperately needed three hundred seventy-eight million, six hundred and fourteen thousand dollars in fiscal 1972 and a like amount for fiscal 1973. Hopefully, by the end of that fiscal year, a more permanent method of relieving our cities and states would be in effect.

New York City, to again use the example that is most meaningful to me, would be paying back its seven hundred-sixty million dollars over 50 years for an average of about fifteen million, three hundred thousand dollars a year. It would also be my intent that these loans be considered outside whatever existing debt limits may apply to state and local governments."

It seems to me Congressman Badillo's proposal is the most practical solution to the immediate crises which face the major cities of our nation. I hope Mr. Badillo's proposal will receive the immediate and urgent consideration of Congress that it deserves.

TROUBLED TIMES ARE NO EXCUSE FOR AMERICAN CONCENTRATION CAMPS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. MATSUNAGA. Mr. Speaker, it is a harsh irony that in troubled times, when adherence to the rule of law is more important than in normal times, government is tempted to ignore certain legal and constitutional rights of American citizens—in effect, to act illegally.

This point is made effectively in two recent newspaper editorials.

In the May 7 issue of the Catholic Review, a respected Maryland weekly, the editor commented:

The temporary hysteria that accompanied the U.S. entry into World War II, for example, led to the evacuation and detention of some 110,000 west coast Americans of Japanese ancestry.

A major present-day threat, of course, comes from the existence of title II of the Internal Security Act of 1950, the Emergency Detention Act, under which detention camps were actually established during the 1950's. In the May 7 Honolulu Star-Bulletin, the Emergency Detention Act was related to last week's antiwar disruptions and mass arrests.

While taking the demonstrators to task—and rightfully so—for attempting to disrupt and shut down the Federal Government, the editorial had a word of warning about the Government's reaction to the demonstrators' tactics:

Nonetheless, [the demonstrators'] confinement has again spotlighted the hidden threat of the Emergency Detention Act. . . . The President may, at his discretion, declare a state of internal emergency and order the "detention" of anyone suspected of abetting or even sympathizing with the group which brought about the state of emergency.

In the next few weeks, Mr. Speaker, the House will be asked to address itself to the question of abolishing the Emergency Detention Act. More than 150 Members of the House have joined me in sponsoring the repeal measure. In the course of arriving at a rational decision on this sometimes emotional issue, all of my colleagues, I am sure, will find instructive the previously mentioned editorials:

NO DETENTION CAMPS

The idea of law and order is perhaps more important during times of stress than in ordinary times.

The temporary hysteria that accompanied the U.S. entry into World War II, for example, led to the evacuation and detention of some 110,000 West Coast Americans of Japanese ancestry.

The creation of those concentration camps leaves a torn page in the history books. Nobody, by the way, suggested rounding up all Americans of Italian or German ancestry during World War II. Nobody suggested rounding up all Americans of English ancestry during the War of 1812.

While some Americans of Japanese ancestry were held in detention camps, other Americans of Japanese ancestry were fighting with remarkable valor as members of the U.S. armed forces. One of them, Daniel K. Inouye, is now a United States senator. He delivered a Democratic National Convention keynote address and has been spoken of as a possible vice presidential candidate. But under the stresses of World War II he might have been held in a detention camp; instead he fought with U.S. forces in Italy, losing an arm in battle.

Another American of Japanese ancestry, Spark M. Matsunaga, has been a member of Congress for many years. It is understandable that he is a leader in the fight to repeal Title II of the Internal Security Act of 1950, known as "The Emergency Detention Act."

That measure, enacted over the veto of President Truman, permits the President under certain circumstances to declare the existence of an "internal security emergency." It authorizes the detention of "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage."

In 1950 President Truman said the measure "would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief."

Six detention camps actually were opened and maintained from 1952 to 1958, when Congress refused to appropriate money to continue them.

Americans who drive about the country in their Datsuns while listening to their Sony radios are no longer likely to dissolve into hysterical repression of their fellow citizens who trace their ancestry to Japan. But from time to time grave fear is expressed by black citizens that the detention camps may be used against them.

During hearings last year, the head of the Justice Department's Internal Security Division testified that the department favored repeal of the Emergency Detention Act because it has been a source of anxiety to many Americans.

The matter is now before the House Rules Committee. Congress should act promptly to eliminate this un-American law.

HIDDEN THREAT

There is a hint of awesome danger in the arrests in Washington of antiwar demonstrators, with some 7,000 being herded like cattle into an athletic field and confined there on Monday.

These demonstrators have no right to take law and order or governmental power into their own hands, of course; nor do they have the right to disrupt the government of the capital.

Nonetheless, their confinement has again spotlighted the hidden threat of the Emergency Detention Act, or Title II of the Internal Security Act of 1950.

The President may, at his discretion, declare a state of internal emergency and order the "detention" of anyone suspected of abetting or even sympathizing with the group or idea which brought about the state of emergency.

An excellent television movie on Channel 4 (ABC) last Sunday evening brought the true danger of the Emergency Detention Act into frightening focus.

The theme of the film, shot especially for television, was that American freedoms can be blatantly abused by any power structure created to ensure internal security.

That film should be mandatory viewing for every member of Congress. It can show them how a "state of emergency" can be prolonged until words such as "democracy" and "freedom" have no meaning; and also show them the urgent need for repealing the Emergency Detention Act.

The act is a threat to the basic principles of democracy. Any President who would use it most certainly finds that he had fathered anarchy—not the heir-apparent of democracy.

MIDEAST: BLAME AND SOLUTIONS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. WOLFF. Mr. Speaker, we in the Congress are vitally aware of the problems related to achieving a lasting and meaningful peace in the Middle East, and are deeply concerned that a just settlement be effected without unnecessary delay. Yet, such a peace cannot be built on force and coercion such as Israel is now experiencing. To pressure Israel to withdraw to her 1967 boundaries is to compound a difficult situation rather than to ease it. Prof. Edward Whiting Fox, in his letter to the editor of the

New York Times of May 2, 1971, graphically describes the alternatives at hand for the Mideast countries and presents a strong, clear case for coexistence. I submit Professor Fox's fine letter to the RECORD:

MIDEAST: BLAME AND SOLUTIONS

To the Editor:

Not since Munich has the rhetoric of peace been used with such brutal cynicism as in the current campaign to force Israel to withdraw to her 1967 boundaries. Its authors are no more interested in peace than Hitler was in "liberating" the Sudetenland.

Instead, like him, they seek an improved position for military action. And the proposed peacekeeping force could only serve the same purpose.

Far from providing Israel with security, such a presence would dangerously compound her difficulties because its border patrols—while unable to prevent guerrilla artillery or rocket attacks—would effectively prevent any Israeli counteractions. With all her major population centers within easy range, Israel would be at the mercy of irregular and irresponsible forces dedicated to her destruction.

There are only two possible solutions to the Arab-Israeli conflict—the total conquest of the entire area by one or the other side or coexistence. Since the Israelis could not, in their wildest euphoria, imagine conquering the entire Arab world, their ultimate goal is coexistence. But the Arabs can, and therefore do, dream of the total elimination of Israel.

These differences are clearly reflected in the words and deeds of each side. While the guerrillas boast of driving the Israelis into the sea and deliberately attack civilians, frequently children, Israeli counterattacks are rigorously restricted to identifiable combatants or property. The character of their policy is even more clearly manifested in their occupation of the West Bank, where the Arabs often compare the present situation favorably with the previous "Hashemite occupation."

If, however, the Arabs refuse to accept cooperation and coexistence with Israel and, with virtually unlimited Russian aid, force the present crisis to a "final solution," will the Israelis have to be sacrificed to the cause of world peace as the Czechs were in 1938?

Before answering that question, it would be well to ask whether such a sacrifice would accomplish any more now than it did in that tragic model. Without speculating on how peaceful the Arab world would be without the unifying issue of Israel, there is no reason to suppose that the Russian drive for hegemony in the Middle East would be either slowed or consummated by the destruction of Israel.

No matter how legitimate the Soviets' interest in the Suez Canal may be, their apparent intention of gaining control of the oil that is Europe's principal source of energy may be something that Americans as well as Europeans will want to consider carefully.

What is needed in the Middle East is not a big-power peace force but a big-power settlement of the underlying issues. Once that was accomplished, the problem of local peace could safely be left to the Israeli Army. Not only is it the only force in the area capable of maintaining peace, but it is uniquely committed to that task.

After protecting the lives of Israeli citizens, the army's highest priority is the development of viable relations with the Arabs. In the long run—no matter what the U.S. or U.S.S.R. may do—Israel will win the tolerance of her Arab neighbors or she will not survive; and anyone who has observed her occupation of the West Bank would recognize that this realization is the basis of her policy.

The unprecedented prosperity she has fostered there may not make the Arabs love the Israelis, but it might increase their taste for peace. The United States should do nothing to lessen the chances for such an accommodation.

EDWARD WHITING FOX,
Professor of History, Cornell University.
ITHACA, N.Y., *April 19, 1971.*

ALL-OUT WAR ON CANCER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. DERWINSKI. Mr. Speaker, the announcement by the President of the details of the commitment first made in the state of the Union message for an all-out effort against cancer was greeted with enthusiasm throughout the land.

Among the more significant editorial endorsements was that of the Chicago Daily News on Thursday, May 13, in which the President's proposal was contrasted in a completely favorable light with other plans that would not present the same proper structure in the efforts to whip cancer.

The editorial follows:

ALL-OUT WAR ON CANCER

President Nixon's move toward an all-out battle against cancer deserves universal support. This dread disease took above 330,000 lives in the United States last year, and it is on the increase. Projecting the current trend, Mr. Nixon said, indicates that some 52 million Americans now living will fall victim to cancer unless it is conquered.

The program outlined Tuesday fleshes out the promise contained in the President's State of the Union speech in January. In the meantime, ways and means of mounting the attack have been considered. The organization and funding of such a high-priority project could be vital to its success.

Also in the meantime, politics and bureaucracy have unfortunately crept in. Sen. Edward M. Kennedy (D-Mass.) introduced a bill early in the session that would remove cancer research from the National Institutes of Health, a subdivision of the Department of Health, Education, and Welfare, and set up an entirely independent agency.

The President's proposal is to retain cancer research in the general setting of HEW and NIH where it has been conducted and coordinated for years, but give it a new dimension. The leadership of the expanded agency would report directly to the President. It would have an independent budget and a presidential guarantee that it would not lack for any funds that can be usefully applied.

The Nixon plan seems designed to ensure that the cancer program will not be smothered in the bureaucracy, yet will remain in a position to benefit from the cross-fertilization of ideas generated in the National Institutes of Health. This is a sensible approach. But the hope now must be that the goal is not lost to sight in a scramble to claim political credit for leading the attack. Winning this battle is too important to allow either red tape or politics to interfere.

Mr. Nixon took care to avoid raising hopes too high. While he compared the cancer project in magnitude with the U.S. project to reach the moon, he warned that "we must put on the armor of patience." What seem to be significant gains in understanding the nature of cancer have been made in recent years, but the complexity of finding a cure or cures cannot be underestimated.

Money alone is not the answer, which might eventually come from a single scientist's brilliant insight rather than from a giant laboratory. But no avenue can be overlooked, and the new emphasis on channeling every possible effort into a co-ordinated attack is very good news indeed.

PAYS $20 PER TON FOR USED GLASS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. ASHLEY. Mr. Speaker, the deep concern of many citizens for today's environmental problems has in part focused on glass container reclamation and recycling and the emergence of the glass collection programs undertaken by the glass industry.

Owens-Illinois, the preeminent U.S. manfuacturer of glass and other containers, has been a leader in planning, organizing, and executing glass collection programs. Today, all Owens-Illinois plants and about 75 other facilities operated by members of the Glass Container Manufacturers Institute, are engaged in regular glass reclamation programs. All members pay $20 per ton to community and nonprofit groups for clean, cap free, color sorted glass delivered to the plant.

This program has encouraged individuals and groups to sponsor glass redemption programs and thus help dramatize the need to recover and reuse limited resources. These programs offer tangible help to the community in its effort to eliminate litter, to reduce the increasing burden on waste disposal facilities, and to preserve limited resources through recycling.

In recent months Owens-Illinois has issued a pamphlet outlining the specific steps and components involved in planning, organizing, and carrying out successful glass collection programs. Because of the tremendous public interest in programs to preserve the environment, I am submitting the contents of this pamphlet, copies of which can be obtained from Owens-Illinois, Toledo, Ohio 43601, for inclusion in the RECORD:

ORGANIZING FOR ACTION

Collecting glass bottles for recycling involves good planning and coordination.

Your first task consists of organizing a committee of dependable people. This committee should mirror the various segments of the community. Committee responsibilities include:

RESPONSIBILITY

General Chairman: Overall coordination including contact with glass company.

Subcommittees

Communications: Public appearances, publicity, promotion, advertising signs, etc.

Community Relations: Contact government officials, service groups, etc.

Labor Committee: Recruit help needed to operate collection station.

Physical Arrangements: Secure collection site(s); obtain storage containers for bottles and empty cartons; safety glasses, gloves, brooms and such.

Finance: Keep records of costs, issue disbursements and receipts.

Transportation: Make arrangements for hauling glass to glass container plant.

Among the initial duties of the committee will be to decide the following:

1. Cooperating glass container plant.
2. Frequency of collections.
3. Dates and hours of collections.
4. Location and number of collection sites.
5. Geographic area of collection.
6. Incentives for glass donors.
7. Organizations to involve (schools, churches, youth groups, etc.).
8. Method of receiving and transporting glass.

FREQUENCY OF COLLECTION

It is advisable to conduct a one or two-day collection to gain experience in all phases of organizing and planning before you commit your community to a continuing or permanent program. The size of your community and local interest in recycling are among factors to be considered.

SELECTING A SITE

Look for a location which is central, has adequate drive-in and parking facilities, and space for storage containers. A shopping center or school parking lot is adequate for one-time collections. Vacant buildings such as warehouses, small industrial plants, and large service stations provide needed shelter for continuing collections.

Local government officials (especially the public works department manager), the Chamber of Commerce, and commercial realtors can render invaluable assistance.

COMMUNICATIONS

Communications are critical. You will need the support and active cooperation of many segments of the community. Most of all, you will need to inform everyone about your glass collection program.

All of your advertising, publicity and promotion should specify these three requirements for incoming glass containers to be recycled: Glass bottles must be 1) empty and clean, 2) free of caps and other metal or plastic, and 3) separated by color.

PUBLIC OFFICIALS

Before you put your plan into action, it will help to personally inform leading public officials to enlist their support. You or your committee should call on city, township, or county officials, especially those who have the responsibility of collecting and disposing of your community's refuse.

COMMUNITY ORGANIZATIONS

Youth, church, environmental, and service groups are very important to the success of your collection. They can provide manpower and can mobilize the community by neighborhood and section. They include Boy and Girl Scouts; 4–H; F.F.A.; Chambers of Commerce; Kiwanis; Lion's Club; environmental groups; PTA; etc. If you involve these groups early in your planning, you will greatly increase the effectiveness of your efforts.

GENERAL PUBLIC

As soon as community leaders and organizations have been notified, tell the public about your collection. Since it takes the average family a few weeks to accumulate discarded containers (glass makes up only six per cent of municipal solid waste), you should publicize the collection four weeks in advance.

The most efficient way to inform the public uniformly about your plan is through publicity and advertising in the mass communication media (radio, television, newspapers, outdoor signs). You will find that all media are anxious to help. Other methods include bulletins (school, church, neighborhood); posters, public address announcements at meetings and social functions, etc.

PUBLICITY

If you cannot find someone among your committee members who has a journalistic background, call or visit newspaper editors and news directors of radio and television stations to inform them about:

What the program is all about;
Who is sponsoring it;
Who is cooperating with you;
Why the project is important to the community;
How you plan to operate the collection (how many people, how often, etc.), and
Where the collection will be made.

Keep these editors and news directors informed about all aspects of your program before, during and after your collection.

ADVERTISING

If mass media fail to give you space and time, it may be necessary to advertise. Cost of space and time vary with the size of the audience.

All media will help you to prepare ads and schedule them at the most appropriate time. All ads should include time, place, and date of collections, as well as special requirements for glass cleanliness and color separation.

COLLECTION SITE SIGNS

Make it easy for people to find your collection site by use of attractive signs and posters. Use large, dominant signs with maximum visibility to attract people to your site, smaller signs to identify sections within the site (Clear Glass, Brown Glass, Green Glass containers; Cashier, if you have one; Refuse Container, etc.).

"Communication is vital. Use every form—personal contact, publicity, advertising, bulletins, signs and posters to be certain that everyone in the community knows about your program.

HOW TO MOTIVATE THE PUBLIC

Citizens who collect glass containers for recycling do so for varied reasons . . . community pride, concern for the environment, charity, and for money or other material reward. You may wish to limit your appeal to community pride or help for the environment. Proceeds from redeemed glass can be directed to a specific fund or be used to defray your program's operating expenses or both. Or, you may choose to pay donors for their clean, empty glass bottles. If you elect to pay for incoming glass, you will have to pay on the basis of weight (requiring a scale) or quantity (counting is a tedious task).

Glass container plants listed in the G.C.M.I. booklet will pay community and non-profit groups one cent per pound or $20 per ton for clean, used glass containers. The redemption rate may vary if you deliver glass to a non-plant glass collection station.

GLASS COLLECTION OPERATION

All glass containers for beverages, foods, drugs, etc., can be recycled. However, returnable bottles occasionally show up in glass collections. These are worth much more than no-return bottles and should be returned to supermarkets, beverage carry-outs or other retail outlets to recover valuable deposits.

What to expect: Glass will be brought in paper sacks, corrugated cartons, plastic bags, baskets or large metal or fiber drums. Your volunteers must be prepared to help unload these containers.

Inspection of glass: All incoming glass must be inspected to insure that it is clean, separated by color, and free of caps and lids. Only glass that meets these requirements can be recycled.

Storage of glass: One or two-day collections—If you anticipate 20 or more tons, incoming glass can be accumulated in large 20 to 30-yard refuse containers, which may be secured from private refuse haulers. Look up sources of this specialized equipment in the yellow pages of your telephone directory under "Garbage Collection or Waste Disposal Service—Industrial." Some municipalities may provide containers and transportation. On smaller drives (under 20 tons) you may elect to store the glass in smaller containers, such as drums, cartons, etc.

If it is necessary to reduce glass in volume, manual crushing is simplest.

Continuing Collections—Large, 20 to 30-yard refuse containers (about 18' x 7' x 5') are recommended. They are available from refuse firms. Dump trucks may also be used for storing and shipping glass.

Paper: When incoming glass is transferred to large containers, there will be a sizable amount of paper sacks and corrugated cartons to dispose of. Be sure to provide large containers for this purpose.

Shipping the glass: Private refuse haulers are equipped to transport the glass you store in large refuse containers. If you use small containers, consult a local trucking firm (see the phone book yellow pages). Local organizations occasionally donate trucks and manpower for worthy causes such as recycling. You may wish to canvass such firms which operate trucks. Special permits are usually required to transport glass.

Safety—Sensible safety precautions are a must in any glass collection program. Glass handlers should use gloves, safety glasses and appropriate clothing.

Insurance—You may wish to obtain low cost, short-term insurance coverage to protect against law suits for personal injury or property damage, if the property owner does not have adequate coverage.

CHECKLIST FOR ORGANIZATION OF A GLASS COLLECTION PROGRAM

— 1. Organize committee.
— 2. Contact nearest glass container plant for cooperation.
— 3. Decide on frequency of collection.
— 4. Decide on location and number of sites.
— 5. Set dates and times of collection.
— 6. Decide on incentives.
— 7. Get approvals from Police & Fire Depts.
— 8. Get support of local and state government officials.
— 9. Obtain help from service organizations, etc.
—10. Organize publicity, promotion, advertising.
—11. Obtain containers to hold glass.
—12. Arrange transportation.
—13. Arrange for weighing of outgoing truckloads.
—14. Alert glass plant personnel about incoming shipments.
—15. Report results of collection.

OWENS-ILLINOIS,
Toledo, Ohio

SUPPORT FOR AMENDMENT TO ADD $8 MILLION TO VETERANS' ADMINISTRATION BUDGET FOR HOSPITAL STAFFING IN FISCAL 1971

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. EDWARDS of California. Mr. Speaker, the chairman of the House Veterans' Affairs Committee, Congressman OLIN E. TEAGUE, appointed me to be chairman of a special subcommittee to investigate the San Fernando VA hospital earthquake disaster which took the lives of 46 patients and employees. Naturaly we are most anxious to see that the San Fernando hospital is promptly replaced. We have been assured by the Veterans' Administration that it will be replaced but as yet we do not know when or where although the disastrous earthquake took place over 3 months ago. Mr. Speaker, it is incredible to me that while promising

to replace the San Fernando hospital that the administration is using the back-door method to close up more VA hospital beds than we lost by the destruction at San Fernando—they are trying to close up almost 500 beds in California alone. Mr. Speaker, I ask my colleagues to support the proposed amendment to add $8 million to VA medical care for the remaining months left in fiscal 1971. Mr. Speaker, the Office of Management and Budget has also made the VA medical program absorb over $32 million in salary increases during 1971. This amendment now before us will, to some degree, correct the high-handed tactics of the Office of Management and Budget in making VA absorb salary increases voted by Congress and prevented VA from recruiting much needed medical personnel who are recruitable.

Mr. Speaker, I want the record to clearly indicate that the addition of funds which this amendment provides is for hospital staffing. It should not be used for any other purpose than staffing our VA hospitals and I want the record clear in that regard.

Mr. Speaker, I urge support of the pending amendment.

THE WORDS OF LT. JOHN STULETT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RIEGLE. Mr. Speaker, I want to share with my colleagues the following poem which speaks for itself:

VIETNAM

(Dick Nixon, I am Lt. John Stulett, U.S. Army, 1st Cav. Div., An Khe, South Viet Nam—written Feb. 15, 1971)

The bullet rivets an eyeball and the eyes stay blind, don't they, Dick?
Hands and eyeballs still fly off in all directions forever from the unmercy of Viet Nam.
While interpreter Suan Hue translated the long Viet Nam secrets, he held us like a good father holds his wildest sons with good stories—the hand blood gurgles now, but his fingers keep twitching to touch something, anything, nothing and that one severed hand dies in elephant grass at the front door to America's conscience. What does it mean?
We could suffer for your eyes too, Dick. But would you trade them for dead eyes in a second? You ask us over here to do it for you over there for nothing. What does it mean?
We'll end the war with honor, you say, Dick?
Dying while we stand in line to leave is just like dying for no reason at all.
How much longer? Every life's worth more than the death of the second it takes to die! What does it mean?
We have nothing new to tell you, Dick?
What new way is there to save lives but to stop the killing?
A soldier dies in the puddle as I write this line, a hiding child convulses as you read it. The Killing is our wound-up clock!! tick tick, tick tick, trickling away blood, beautiful arms, my drunk buddies and beautiful slant eyes.
What does it mean? Stop and give you time, Dick?
If bullets catch up with that time we give, we've murdered lives that die in the time. We can't let go of the bullets until they fall short!
Go after death-seekers and men who blow out eyes by being slow!
On this wet hot rainy afternoon, slant eyes melt on elephant grass and a wrinkled man scratches his back up and down on a shrivelled hut—he doesn't have any arms left. What does it mean?
I'm afraid I know.

(John Stulett died April 12, 1971.)

OLD FORT ADAMS PLAYED IMPORTANT HISTORICAL ROLE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. GRIFFIN. Mr. Speaker, an excellent article by Mr. Gordon Cotton appeared in the Vicksburg Sunday Post on April 25, 1971 describing the interesting history of Fort Adams in the early growth of the Lower Mississippi Valley and the State of Mississippi.

Fort Adams is located in Wilkinson County on the Mississippi River in the district which I have the honor to represent. It is the site of one of the earliest settlements in the area, some 300 years ago.

Although Fort Adams is no longer an important river port, the fine people who live there are proud of the history of their community. The article follows:

OLD FORT ADAMS PLAYED IMPORTANT HISTORICAL ROLE

(By Gordon Cotton)

A lone French priest was traveling up the Mississippi almost 300 years ago when he stopped at a rocky cliff which jutted to the water's edge.

Beaching his canoe, he climbed to the top of the towering cliffs. There Father Anthony Davion recited the first Mass known to have been said in the present state of Mississippi.

Today there is little to indicate that Fort Adams, Mississippi in Wilkinson County was once an important outpost for several nations.

The area may not even be familiar to most people. But the name of one unfortunate man who once lived there has been remembered by generations of Americans: Fort Adams was the home of Philip Nolan, whose life was wrecked when Edward Everett Hale accidentally dubbed him "The Man Without A Country" in a book of fiction which had part of its setting at Fort Adams.

Fort Adams has gone by a variety of names—Davion's Rock, Fort Prudhomme, Fort Assumption, Loftus Heights, Fort Ferdinand, Fort Pickering, and finally Fort Adams.

French explorers mentioned the towering cliffs in their journals of the Chickasaw War in 1739, and the height of the area made it important for military reasons for the European nations which swapped control of it up until the United States took possession in 1798.

The French built the first fort there, Prudhomme, naming it after a Canadian hunter who accompanied LaSalle down the river. Then Bienville, on his last expedition, changed the name to Fort Assumption.

In 1764, following the transfer of the area from the French to the British, Major Loftus with 350 men headed up the Mississippi, leaving New Orleans on February 27. The treaty between the two nations called for free navigation of the mighty river, and Loftus planned to stress that portion of the treaty for the benefit of Spanish and Indian onlookers.

The French governor of the territory had advised the Indians to be cordial, and he placed his interpreter at the disposal of the British major.

Almost immediately Loftus lost about 50 men who deserted. Then when a French slave took refuge on his barge, he was protected because the major considered the barge to be British soil. At this point the interpreter left, and the British had to proceed into Indian territory alone.

As Loftus' flotilla approached Davion's Rock, Indians, probably Tunicas, fired from ambush, killing a half dozen Englishmen and wounding at least that many more.

The flotilla fell back, and Loftus felt that the French had purposefully aroused the Indians against them.

Whether or not the area saw action other than James Willing's raid down the Mississippi during the Revolution isn't known. But as soon as the Treaty of Paris was signed, the Spanish were in complete control of the area.

In 1795 Gov. Manuel Gayoso erected Fort Ferdinand on the rocky cliffs, and on May 31, 1795 he wrote to his wife that the day before he had "hoisted the King's flag and saluted it in the most brilliant manner from the flotilla and from the battery. It being St. Ferdinand's day (the name of my Prince), I gave the post that name. It was a pleasant day, and withal my birthday, and nothing was wanting to complete my happiness but your presence. The chiefs are to visit me tomorrow, and then I shall count the days, the hours and the moments until I can be with you."

With the transfer of the lands to the Americans in the late 1700s, Capt. Issac Guion was ordered to take possession of the area for the United States, and when he arrived at the fort he found that Capt. Bellechasse, the Spanish commander, had partially destroyed it contrary to orders from Gov. Gayoso. Complete transfer from Spanish to American authorities was made on March 30, 1798.

Capt. Guion, under the command of Gen. James Wilkinson, put his men to work rebuilding the fort and named it Pickering. All persons passing up or down the river were required to report at the fort where they were to register as to their dates of arrival, departure, where they were from, where they were going, how they were traveling and for whom they were traveling.

Guion wrote in his journals that the Chickasaws arrived to see him on Aug. 10, 1798, and that all were "disorderly, turbulent and troublesome." He blamed the discord on Spanish intrigue, though he admitted that on the surface the Spanish had been cooperative, courteous and friendly.

Once the fort was completed, Gen. Wilkinson transferred all troops there from Walnut Hills and Natchez. He then renamed the place Fort Adams after President John Adams.

Because of its location on the Mississippi and between the boundaries of the Mississippi Territory and Spanish West Florida, Fort Adams hosted many important persons during its early service. It was here in 1801 that Gen. Wilkinson negotiated a treaty with the Choctaws for use of the Natchez Trace through their lands.

And it was at Fort Adams that Gov. W. C. C. Claiborne was given a resounding farewell when he left the territory to assume his duties as governor of Louisiana in 1803.

Of the many troops who served at Fort Adams, at least one has become famous in American history: Capt. Merriwether Lewis, President Jefferson's secretary who explored the West with Clarke. After leaving Fort Adams and traveling up the Trace to Tennessee, Lewis became despondent and is

believed to have committed suicide in Tennessee.

There were evidently some amusing times at Fort Adams, too. In 1798, soon after the American take-over, Gen. Wilkinson, Col. Hamtramck, Major Butler, Capt. Guion and some other officers "became rather merry over their punch one night," and Gen. Wilkinson, by some accident, got his queue singed off (queues, a single pigtail, was a popular hair style for men of that era).

The following day the General issued orders forbidding any officer to appear on parade with a queue. Major Butler refused to obey and was placed under arrest. Butler soon became ill, and Dr. Carmichael, the surgeon, informed him that he could not live. Butler took the news calmly, made his will and gave directions for his burial, which he knew would be attended by the entire command.

"Bore a hole," he wrote, "through the bottom of my coffin, right under my head, and let my queue hang through it, that the damned old rascal may see that, even when dead, I refuse his orders."

Butler's wishes were carried out.

Following the transfer of West Florida to the United States in 1810, Fort Adams became less important. Finally the structure was abandoned, and with the construction of the railroads and the decline of steamboat travel, the town was almost abandoned.

Today only a handful of people live in the sleepy little village near the Mississippi-Louisiana boundary and many of the homes, time-worn and shuttered, are vacant.

But on Sunday, at the little white church near "Roche a Davion," a tradition started by a pioneer priest in the late 1600 continues as the people of Fort Adams meet for Mass.

NATIONAL DAY CARE PROGRAM INTRODUCED

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mrs. CHISHOLM. Mr. Speaker, I have, in conjunction with Representative BELLA ABZUG, introduced a new National Day Care and Child Development bill which introduces several important amendments to the House bill, H.R. 6748. I have already presented my statement before the Select Subcommittee on Education of the House Education and Labor Committee today, but I am putting the statement in the RECORD so that other Members interested in this problem may use it for reference purposes.

I am also introducing into the RECORD today a report referred to in my testimony which was prepared for me by three black interns from the Graduate School of Social Work of New York University—Frederick Cantlo, Bernadette Gittens, and Joya Gaddy.

The items follow:

TESTIMONY OF REPRESENTATIVE SHIRLEY CHISHOLM

I am here today both as a member of this subcommittee and as an advocate for a massive National Day Care Program. H.R. 6748 introduced by the Chairman and other Members of this Committee is a good bill but there are some sections which I feel must be reworded and amended. Because of my years of experience as a day care teacher, director and consultant and because of my deep concern over certain sections of H.R. 6748, I am today introducing my own day care bill in conjunction with Representative BELLA ABZUG of New York. We have used the language of H.R. 6748 as our base but we have introduced several amendments which we think are essential.

First and foremost, we must talk about money. The impact and effectiveness of any day care bill is directly related to its appropriations.

H.R. 6748 has no price tag and only provides that "such sums as may be necessary" shall be appropriated. On the Senate side, the other major day care bill of this session, S. 1512 introduced by Senator Mondale and co-sponsored by 32 other senators, provides only: $2 billion for FY 73; $4 billion for FY 74; and $7 billion for FY 75.

You may wonder why I use the word "only". Well, seriously speaking, these monies are just not going to be sufficient for the existing need. $2 billion will not even cover the 1,262,400 children under 5 on welfare who will need day care if we pass the Family Assistance Plan. (Statistic from the 1969 study, U.S. Social and Rehabilitation Service, National Center Social Statistics.)

A conservative estimate for child care services is $1,600 (the administration figure). Estimates used by the AFL–CIO and the National Day Care and Child Development Council run about $2,000 per child per year. If we multiply $1,600 by the number of children under 5 on AFDC, we get $2,019,840,000. That is just to provide the necessary day care services to help indigent mothers get off welfare!

Obviously the appropriations proposed by the Mondale Bill S. 1512 are only a *modest conservative* start in the direction of universal day care.

But the aim of the Family Assistance Plan and of the Senate and House day care bills is not just to provide for those on welfare but also for the average working parent and especially the working poor.

May I refer you to the following chart.

DISTRIBUTION OF FAMILIES BY INCOME IN 1947, 1960, AND 1968 (IN 1968 DOLLARS)

	Negro and other races			White		
	1947	1960	1968	1947	1960	1968
Number of families (in millions)	3,717	4,333	5,075	34,120	41,123	45,440
Percent	100	100	100	100	100	100
Under $3,000	60	41	23	23	16	9
$3,000 to $4,999	23	23	22	28	16	11
$5,000 to $6,999	9	16	17	23	21	14
$7,000 to $9,999	5	13	18	15	16	24
$10,000 to $14,999		6	15		17	26
$15,000 and over	3	2	6	11	7	16
Median income	$2,514	$3,794	$5,590	$4,916	$6,857	$8,937
Net change, 1947–68:						
Number	(1)	(1)	$3,076	(1)	(1)	$4,020
Percent	(1)	(1)	122.4	(1)	(1)	81.8

1 Not applicable.

Source: U.S. Department of Commerce, Bureau of the Census.

According to these 1968 figures—34% of all white families and 62% of all black and other minority families earn under $6,999. Now these figures are for families. When you talk about single parent households most of which are headed by women, the statistics get really grim.

Women are the heads of households in 11% of all U.S. families. Among black families 28% are headed by women; the average income for working women in 1969 is $3,091. Black women who are employed mainly as domestics and in low-paying service jobs earn only $1,991. They cannot support their families at that wage so many of them end up on welfare. Of the 2,500,000 families now on welfare, 46% are black (figures from the Ways and Means Committee). Black families and black women especially are being crushed by this economic vice.

You have all received mail from constituents with angry references to those "lazy bums on the welfare role". Well, unless we have a *massive* appropriation for day care, the Family Assistance Plan is going to fall flat on its face.

As Elizabeth Koontz, Director of the Women's Bureau, testified before this committee last year: The lack of child care services has been the most serious single barrier to the success of the Work Incentive Program (WIN). Care in centers for eligible children is rare and most mothers in the program have been forced to make their own arrangements. These have proved to be haphazard and subject to frequent changes, interruptions and breakdowns.

I hope the above has put the proposed appropriations in the Mondale Bill into perspective.

There are 32 million working women in the United States who have over 5 million children under the age of 5. Because of the day care shortage only 2% of these women use group day care facilities. The rest face a nightmare hodge-podge of arrangements with elderly relatives, a rapid turnover of sitters and bleak custodial parking lots euphemistically called family care centers.

If we made day care available only to the five million children under 5 whose mothers are already in the labor force, it will cost $8 billion (using the conservative estimate of $1600 per child, per year).

The aim of the day care bills and the family assistance plan is more than that. We are trying to help families, especially our mothers, feel confident that their children are safe, well cared for and are in a stimulating educational environment while they are at work.

Poor, working poor, lower-middle class, middle class . . . they are all in the same boat. These women are, like their husbands, breadwinners. In nearly one third of our families where both parents work, the husband's income is less than $5,000.

Representative Abzug and I have proposed appropriations of: $5 billion for fiscal year 1973; $8 billion for fiscal year 1974; and $10 billion for fiscal year 1975.

We feel that appropriations at this level are much more realistic in terms of the aims of the day care proposals now before us. Really, anything else than this is a hoax and would indicate that we are not being serious about the problem. There is something which ought to be considered when we discuss funding: $1,600, the cost per child, per year is roughly equivalent to the cost of one foot of Federal highway. Congress must decide which is more important, the foot of highway or a child.

I have treated the inter-relationship between the family assistance plan and our day care proposals rather extensively today and this brings up another point which must be clearly spelled out in any national day care legislation.

Day care must not be considered a *custodial* service. It will obviously be a help to women who want and need the opportunity to

achieve their full employment potential but this legislation is for children as well. For them, the primary importance of the day care center will be as an *educational* environment.

I am submitting to the committee today a report on day care facilities in my 12th congressional district which was prepared for me by three of my black interns from the New York University Graduate School of Social Work. Mr. Frederic Cantlo, Miss Bernardette Gittens, and Miss Joya Gaddy, contacted directors of day care centers, anti-poverty agencies and community groups in my district and distributed two hundred and fifty (250) questionnaires within four areas Bushwick, East New York, Williamsburg, and Bedford-Stuyvesant. There were one hundred and fifteen (115) respondents.

The survey produced some interesting results. The one that sticks in my mind is the fact that 100% of the respondents felt that day care centers should be educational in nature. Additionally, over 51% of the respondents did not feel that the majority of the employees in a center should be from the community. The clear, overriding concern was the educational environment and the ability of the personnel at the center to deal effectively with their children.

I have criticized before the dangerous inclination by well-meaning liberals that the aim of Head Start is to provide jobs for nonprofessionals. There is a definite role for community people in Head Start and day care programs.

I believe that community parents should dominate the boards. In fact in one of the Chisholm/Abzug amendments, we have suggested that the percentage of members from the child development councils on the local policy councils should be increased from ½ to ⅔ rds.

But we must insure that we do not diminish the role of the child development professionals in our day care centers.

For this reason, Representative Abzug and I have suggested a change in H.R. 6748 stressing that preservice and inservice education and other training for professional and paraprofessional personnel must incorporate a career-ladder structure to allow a definite advancement from unskilled to skilled positions.

The report on day care facilities prepared by my interns had some other interesting items which I would like to share with you.

Of those 63 respondents currently utilizing day care: only 26 were using public day care, and 11 were using storefronts and 23 were using friends. *The majority of the respondents* were utilizing unlicensed facilities. Sometimes unlicensed facilities are lively, educational environments which have not been licensed because of some archaic quirk in the licensing regulations. More often than not, they are dumping grounds where children are tied to furniture in dismal surroundings and where they are "looked after" by someone who may be emotionally disturbed, uneducated, alcoholic or so old they need help themselves or all of the above. Our respondents were clearly disturbed because only 25 were satisfied with their current arrangements. 89% of all respondents felt there was an additional need for day care services.

Most of the respondents, 44, stated that day care would enable them to work. Another 43 said it would enable them to continue their education. These parents clearly saw day care as a step toward possibly improving their families' economic condition.

Another major point which I find disturbing about H.R. 6748 is that the bill contains a blank as to the precise size of the unit of Government which shall be eligible for prime sponsorship. I prefer the language of S. 1512 which does not stipulate any size.

If we limit the bill to cities of 100,000 or 500,000 as was proposed in last year's bill, we will lose votes on the floor from rural and suburban legislators who will feel that it is a bill for the cities.

Obviously, the greatest need exists in the cities. The vast majority of the money will still go to the urban areas, but the opportunity for day care services should not be denied to rural areas.

Finally, by making the smallest as well as the largest units eligible, we will be getting the decision making and control of these programs to the local level.

The use of the Bureau of Labor statistics lower-living standard budget instead of the old poverty line as a definition of disadvantaged is a significant new departure from last year's bill, but I feel that the language of H.R. 6748 may be a bit confusing because in section 704(c) the poverty-level definition is retained and is utilized in other references to the reservation of funds for ongoing head start programs and certain other categories throughout the bill.

For this reason, in our bill Mrs. Abzug and I have utilized the Senate language which we think spells this out more distinctly. In any case as long as the House language clearly insures that protection for all children under the BLS standard is retained, there is no problem.

The final major point I would like to make is this Representative Abzug and I are proposing a change in the allocation formula. We propose that in the first year of funding 65% of the funds shall be reserved for those families under the BLS standard. In the second year, we would drop that reservation to 60% and in the third year to 55%.

We are proposing this because although the greatest need exists for those at the bottom of the economic scale, we must be cognizant of the needs of those who are just above the BLS cut-off point.

Day care is needed by all women and we should not set the poor and the near poor to fighting each other for these services.

If we limit day care only to those at the lower end of the economic scale this bill is going to be labeled a poverty or welfare bill and will be a much more difficult task to secure the appropriations which are necessary.

You will recall that this Congress was able to override a Presidential veto of education appropriations. This was because everybody had a stake in those education programs.

Day care legislation has a similar constituency.

Every woman, almost without exceptions, will support universal day care. We need to stimulate their support.

Day Care as a Social Utility

(Submitted by New York University Graduate School of Social Work Interns: Mr. Fredric Cantlo; Miss Bernadette Gittens; Miss Joya Gaddy.—April, 1971)

Leaders of the community groups in the 12th Congressional District have expressed their concern to Congresswoman Chisholm over the lack of adequate day care facilities in their community. Some of the community members feel that they could enhance their standard of living from a social and economical point of view if more day care facilities were available.

Congresswoman Shirley Chisholm states that there is not enough day care facilities in her district. She is very interested in the extent of day care and she is aware of the need for better day care facilities in Brooklyn. Therefore, it is her desire to acquire a substantial amount of evidence as to what the needs are in her district. She feels that the research project on this topic will prove the same.

Our method of attack was a questionnaire. Prior to the designing of the questionnaire, we held meetings with parent groups, day care directors and with the Director of the Special Office of Day Care in an effort to refine the questionnaire. The student interns, Mr. Cantlo, Miss Gittens and Miss Gaddy, proceeded to design the questionnaire and after its completion, the questionnaire was submitted to Congresswoman Chisholm for her evaluation and approval. With a few changes being made, the questionnaire was approved.

We contacted directors of day care centers, anti-poverty agencies and community groups in her district and with their approval, we distributed two hundred fifty (250) questionnaires within the four areas of (Bushwick; East New York; Williamsburg and Bedford Stuyvesant). The questionnaires were picked up at a later date. One hundred fifteen (115) Questionnaires were completed. Our results indicated that 75% of the respondents felt that more day care facilities would enable them to work or continue their education. Ninety percent of the respondents felt that there is a need for additional day care facilities in their communities, which is indicative of a need for more day care facilities.

Day Care means the care of children outside their own homes for some part of the day when their parents are unable to care for them because of work, illness, medical appointments, job training, job seeking and other reasons.

Such day care is provided in day care centers and in family homes.

A center provides care for a large group of children from 20 to 100, ages 3 to 5.

A day care home is usually limited to six children under 3 years of age.

A center administers a variety of services for the children, including a hot meal at noon and snacks during the day; health checkups; rest and play periods; educational activities to stimulate the children's intellectual growth and knowledge; and other services to protect their health and welfare.

Centers operate under a number of different auspices and are likely to fall into one of the four following classifications:

(1) Proprietary or commercial facilities which charge a fee and operate for profit. These facilities include day nurseries or nursery schools and represent a majority of existing day care facilities in the United States.

(2) Private, non-profit facilities which usually charge a fee on a sliding scale based on a family's financial ability. These facilities are supported by local community fund drives, philanthropic contributions, church institutions and so forth. They are known as day care centers or nurseries and operate in their own quarters, in settlement-house type facilities, churches and similar settings. In some states, many are eligible to receive day care income from public funds.

(3) Public-supported programs which are customarily operated by private, non-profit groups or municipal agencies. There are relatively few programs directly operated by public authorities in the United States.

(4) Day Care Centers located at factory and industrial locations to serve employees.

A family day care home also provides nutritious meals and snacks in the homes that meet health and safety standards and whose operators are qualified by character and training to take care of children. In some instances, educational consultants teach the day care mothers and home helpers aid them.

In most states, the homes and the centers are licensed by a public welfare department or a public health department, or both, if the operators and the facilities meet government standards.

New York State makes available low-cost loans, up to a total of $50 million, to rehabilitate, equip or build day care centers. Eligible for such loans are non-profit, civic, fraternal, religious, social and community action corporations.

For some young children, there is no ade-

quate adult care during the long day. All too often, these children come from homes of unequal opportunity, homes that are overcrowded, homes of poverty both in money and in intellectual resources and enrichment. Such children may be placed in unsafe and unsanitary group care, or with well-meaning but inadequate neighbors. They may be locked in rooms or they may wander at will with latch keys tied around their necks. The physical and mental health of such children is in jeopardy.

When the family cannot provide satisfactory adult supervision during the day, good care is available in New York City's day care centers. There youngsters find safety, affection and an opportunity to begin constructive social and intellectual growth under the guidance of trained teachers.

Kindergartens and Nursery schools differ in that children three to six years of age attend school for shorter periods of the day and educational experience is their major goal.

Some of the confusion in regard to definition stems from the fact that day care services are sometimes defined in terms of the nature of the service being given, and sometimes in terms of the needs or symptoms of the users of the service. Also, there may not be any relationship between the name of a program, the way in which it is described and the services actually offered. For example, many agencies which are called day care centers offer too short a period of care to meet the needs of working mothers.

In the final analysis, day care is differentiated from the nursery school or kindergarten in the following ways:

1) Day Care's primary purpose is care and protection; other programs are concerned primarily with education.

2) There is a tendency in day care toward more sharing with parents of child rearing responsibilities.

3) In day care, some kind of needs test exists (economic, or social, or both) since only children for whom this is the best form of help are to be admitted.

The aims of another program Head Start are total development of the child and his family—educational, social, psychological and physiological—with emphasis on school readiness and on family and community involvement.

Guidelines for Head Start, also adopted by the Board of Education mandate that every recruitment effort be made so that the center's ethnic composition reflects the neighborhood's. Guidelines for other programs make no mention of selection on the basis of ethnicity.

DAY CARE—ORIGIN AND EXPANSION

Early history [1]

Day care has many facets and generates a variety of concepts. It involves complex issues and arouses sharp conflicts, ambivalence and confusion among both lay and professional leaders. Since the conflicts and issues are rooted in its history, a review of the evolution of day care is presented as a basis for understanding the trends and forces which have culminated in the current positions and definitions—and as a back-drop for assessing its capacity to play a new role in solving current social problems.

New York City was the birth place of day care in the United States. The Nursery for children of the Poor was established in 1854, followed by the Virginia Nursery in 1872, and the Bethany Day Nursery in 1887. These early services, called day nurseries, were offered as philanthropic assistance: first, the children of Civil War widows; then, in the latter part of the 19th century, to children left alone during the day while their immigrant mothers worked in domestic service or in factories. Conceived as charity by wealthy women, these services sought to assist poor families by providing supplemental daytime child care, mainly custodial, focusing on physical needs and protection from environmental hazards.

Such day nurseries spread and improved, with the better ones utilizing what was known of medicine, nutrition, hygiene, and later, child development, in order to provide a service to meet the needs of the day. Paralleling their growth was the rise of the kindergarten movement, deriving its formulea from Froebel's work in Germany and resting on pedagogical considerations.

In 1896, the National Federation of Day Nuseries was organized "to secure the highest obtainable standards of merit."

"The expansion of the work from the primary idea of feeding and housing babies to its present scope, which included kindergarten, educational work for mothers, industrial classes for older children, summer outings and family visiting, touches the interest of both philanthropic and educational organizations." [2]

In the years that followed, research and experiment were directed toward educational guidance of underprivileged children in schools like Merrill-Palmer in Detroit and Bank Street College in New York. Emphasis was placed on deeper understanding of child care and development in the important work done at centers at Teachers College, Columbia University and a number of state universities. Day nurseries became sources for experimentation and teacher training; and in 1922 the Ruggles Street Nursery in Boston became the first nursery training school, marking the entrance of professionals into the field. As a result, programs in many day nurseries by the early 1900's began to incorporate constructive educational and developmental experiences for young children. Teachers, not nursery maids, began to be hired. It was not until well after World War I that the effect of these developments began to be felt in the day nurseries of New York City. However, it was still not widespread.

About the turn of the century, day nurseries generally began to be concerned with health standards. In New York City, day care centers had been covered by the provisions of the Municipal Sanitary Code from 1895. In 1905, physicians began to inspect the facilities of nursery programs, and the Bureau of Child Hygiene under the New York City Department of Health required that a licensed physician give a medical examination to every child cared for in a nursery. In fact, however, little was done to inspect nurseries regularly or to close those which fell below standard.

By the time of the depression of the 1930's, there had begun to emerge in some of the better day care programs an integration of the disciplines of health, education and welfare. Social Work concepts were introduced in the second and third decades of this century. Casework and the value of day nurseries as a strengthening force in family life were stressed in the day nurseries sponsored by social agencies. Some persons in social work had begun to see day care as part of the total network of child caring agencies and as requiring casework support. For example, Sophie Van Theis found:

"All child caring agencies, irrespective of the particular type of service which they give . . . have become . . . to think of casework as an essential part of a good child care program . . . by tradition, by character, by history, the day nursery is a social agency. . . . I do not see that this in any way prevents it from becoming as well an excellent educational institution and a health agency. . . . We have come to think of education, health, and welfare as closely related interests which cannot be separated . . . in our program for children." [3]

The works projects' administration program

The daytime care of children received major impetus from Civil War, World War I, the Depression and World War II—all periods when mothers left home to work. Yet, in spite of positive response to the early day nurseries, expansion of programs has been sporadic. It was during the depression of the 1930's with the establishment of nursery schools financed by the federal government, under the Federal Emergency Relief Administration and later WPA, that day care had its largest growth.

The prime goal of federal action in 1933 was to give employment to needy teachers, nurses, nutritionists, clerical workers, cooks, janitors and others as part of work relief programs designed to counter unemployment.

The program, however, "enlisted the leadership and guidance of outstanding persons in the field. Intensive in-service and pre-service training program for staff, parent education and community interpretation did much to promote standards and to focus attention on the value of nursery education . . . the WPA nursery school, although set up by government to meet a welfare need, was identified primarily as an educational service and was usually located in school buildings." [4]

Federal funds were made available to state departments of education, and local boards operated the nurseries. Approximately 1900 nursery schools were set up. By 1937, they were providing 40,000 children with what most professionals today still consider to have been a high standard of health and nutritional care, as well as nursery education. These nurseries served a dual porpose: providing employment, and relieving some of the conditions of the depression which affected children adversely.

Philosophically, the program represented "the first recognition by the federal and state government that the education and guidance of children from 2 to 5 years of age is a responsibility warranting the expenditure of public funds." [5]

Public day care in New York City began with the WPA nursery program. By 1938, there were fourteen nursery schools operated by the local Board of Education. One of these was housed in a public school building, while the others were in settlement houses or in other available free space. It was noted by Fleiss that in New York City, the school board was not as active in WPA nursery school administration as were local educational authorities in other cities.

As the Forties approached and WPA was no longer a necessary source of employment, it seemed likely that the day care program would end. Improved economic conditions made it more and more difficult to obtain unemployed teachers. Yet, by 1942, there was still thirty-two operating WPA nurseries in New York which faced liquidation early in 1943. Public clamor began for continued public subsidy for day care and for the expansion to meet the needs of mothers engaged in and seeking work in the war effort.

The Lanham Act

Throughout the country, industry burgeoned, and when the draft of men into the armed services started, women were called into the factories, and families by the thousands crowded into the war production areas. Children were being left alone, locked in parked cars, or forced to join the increasing number of "latch key" children, shifting for themselves.

All of this led to the Congressional passage of the Community Facilities Act of 1941, commonly known as the Lanham Act, under which federal funds were available to the states on a fifty-fifty matching basis for the establishment and expansion of day care centers and nursery schools in defense areas. These funds could also be used to convert WPA facilities to wartime projects.

Footnotes at end of article.

The United States Office of Education was given responsibility for the development and extension of nursery schools to be operated in or under the auspices of local schools and for related school lunch and recreation programs. The United States Children's Bureau received a similar assignment with respect to day care centers and related services sponsored by agencies not a part of the school program. After July, 1942 additional funds were made available to state departments of education and public welfare for the promotion and coordination of day care programs under their supervision.[6]

The attitude of the Children's Bureau in this general field was that mothers of preschool children should not be encouraged to work; but if they did indeed work, the community had an obligation to provide services to help parents care for their children, with state and local governments assuming the responsibility for supervising and maintaining adequate standards. Thus, the approach of the Children's Bureau towards the Lanham Act day care program was at best ambivalent. Some within the bureau look with misgivings on what they feared would be interpreted as a public sanction of the employment of women. They were joined by some social work leaders who were concerned that the federal stimulus to day care would in the long run be destructive of the family and contrary to basic American values. However, as it became clear that the emergency situation had first priority, the Bureau undertook the stimulation of counseling services in support of day care and developed a comprehensive set of standards for the guidance of communities.

Widespread acceptance of this wartime program is indicated by the fact that by July 1945, about 1,600,000 children were receiving care in nurseries and day care centers financed largely by federal funds.

New York City

In cities denoted by the federal government as war-impacted areas, WPA nurseries were converted to serve working mothers. Upon the disbanding of the WPA program, New York City had a special problem, however. The Lanham Act did not apply here since the city was not designated as a war impacted area, and thus it faced the prospect of the loss of its major financial resource with respect to day care.

Public campaigns were started to bring pressure for New York City to provide public subsidy and to expand the existing program in order to meet the increasing needs caused by the impending war. Parent groups became particularly active in this movement. Additional backing also came from women's social action groups with a mass character, primarily the Committee for the Wartime Care of Children, headed by Elinor Gimbel, working outside of the professional and institutional framework of the day care program. The latter group attracted considerable support from several quarters: parents who needed the service to work; women who espoused the cause of publicly supported day care for working women as a patriotic one; and women who were concerned mainly with the effects on children of women already in the labor force.

Mayor Fiorello LaGuardia appointed the Commissioners of Health and Welfare and the Superintendent of Schools to study the needs for day care in the light of the new wartime emergency. This group recommended expansion of existing facilities and training programs, as well as counseling service for mothers seeking employment. They called for stricter enforcement of existing laws governing nurseries. The establishment of a permanent committee composed of civic and governmental leaders to coordinate and administer the expanded program was propcsed.

On October 25, 1942, Mayor LaGuardia, adopting this idea, appointed a committee of 14, called the Mayor's Committee on Wartime Care of Children, hereafter referred to as the Mayor's Committee. This committee included members of religious, labor, social welfare and governmental agencies and offered the potential for a broad concept of day care.

State financing

In 1942, the New York State Legislature approved the Moffet Act, providing for direct state aid to municipalities and to supplement Lanham funds for the establishment of day care centers under the direction of the State War Council. The Mayor's Committee was designated as the New York City representative. Where federal funds did not apply as in New York City, the State War Council set up the requirements whereby the state would contribute one-third, the city one-third and one-third of the cost would come from the parents' fees or community contribution. Upstate communities were getting about one-half of their support from federal Lanham funds with state funds supplementing up to an additional 15 percent. On March 4, 1943, Mayor LaGuardia wrote to Governor Dewey advising him that the city would need $360,000 to serve 1,000 children in 28 WPA nursery schools in New York City, and would adopt the tripartite financing plan with each segment contributing $120,000.

The Mayor's Committee on April 5, 1943 gave WPA schools until July 1, 1943 to revise their admission policy in order to qualify for state aid. Seventeen of the former WPA nurseries did this and were absorbed into the Mayor's Committee program, as well as many other nurseries operated by settlements, churches, day nurseries and separate boards.

Thus, by mid-1943, there were 33 nurseries and 13 school-age centers with a capacity of 1,654 children ages two to five and 750 children ages six to fourteen operated under the Mayor's Committee at a cost of $315,000.

The Mayor's Committee saw difficulties in having the Board of Education guarantee two-thirds of the centers' operating costs and collect fees. If was therefore decided to have them operated by the Department of Welfare with Board of Education staff. The minutes of the Mayor's Committee for April 5, 1943 state:

"With educational standards so protected, the program . . . becomes an educational program administered by the Department of Welfare." [7]

However, this arrangement never became a reality. On April 16, 1943, the Mayor announced:

"The city will not operate any nurseries through any city department, but payment will be made to nurseries on the same basis that they are now made to institutions for dependent children. The policy . . . will be to place children in private nurseries operated by existing child welfare or other social agencies with the city and state contributing one-third each of the cost." [8]

Under this arrangement, the voluntary operating agencies would be responsible for raising additional funds if parents' fees failed to reach the required one-third share. Funds were to be handled through the budget of the Department of Welfare, thus making this agency the administrative authority. Objection to this decision were raised by the United Parents Association and the Public Education Association, both of which preferred to have the day nurseries run by the Board of Education.

While the contribution of the Board of Education during the Depression consisted mainly of supplying unemployed teachers as staff members, the educators on the Mayor's Committee felt that the quality of the educational program would be more closely protected and this part of the program improved if operated under educational auspices. However, under the Moffet Act, the Department of Welfare was not only authorized to collect fees, but it could administer city and state funds which might become available through the Lanham Act.

Mayor LaGuardia's own decision was undoubtedly strongly influenced by his often stated opposition to the idea of having women leave their small children to go to work. Fleiss comments:

"He was reluctant to make the state the 'father and mother of the child.' " [9]

In order to limit such assistance to those who really required it, he felt that appropriate study of each case was necessary, and that the Welfare Department, with its investigatory procedures, could properly carry out this policy. The staff of the Information and Counseling Services were cautioned to review with the mothers the advantages and disadvantages of going to work.[10]

The minutes do not show the actual reasons for LaGuardia's decision to use voluntary sponsoring agencies, but Fleiss conjectures that Mayor LaGuardia was trying to obtain state funds without involving the city too directly in the actual operation. One might also speculate that the proposal for public operations was seen as too direct a challenge to New York City's purchase-of-care child welfare pattern as it then existed.

Opponents to LaGuardia's plan for voluntary sponsoring agencies pointed to the fact that these arrangements, creating a need to deal with so many different volunteer boards, would limit the expansion of day care service. They claimed that such a pattern would complicate the development of standards and require a complex structure of supervision to protect expenditures. However, LaGuardia's decisions prevailed.

In the first seven months of 1943, eight Offices of Information and Counseling, manned by personnel of the Department of Welfare were opened. Counselors helped to determine need for day care services, evaluated existing facilities, and through personal interviews with mothers, attempted to assess individual family needs for day care. In accordance with LaGuardia's philosophy, the staff of these offices often counseled mothers to stay at home rather than work.

In 1944, the state continued its appropriation and made provision for rent and cost of equipment. By December 31, 1945, there were then 68 centers with a total capacity of approximately 4,000 children. A large part of the professional and clerical staff of the Mayor's Committee (31 or 44 workers) were on loan from the Department of Welfare.

Board of education attitudes

The alternative to the welfare auspices at the time necessarily would have been the Board of Education, which had never become involved in the day care program to the degree that such boards were in other communities. For example, experimentation with kindergartens for four-year olds was discontinued in 1952 on the basis that four-year olds could not be accommodated in the same program. This view was typical of the general approach.

Voluntary support

In addition, then, to the early and continued use of the Department of Welfare as the wartime administering and financial agency for day care, and the lack of real involvement or assumption of responsibility on the part of the Board of Education, a third factor influenced the creation of the unique pattern of public day care which exists in New York City today. There was a deep involvement of private groups and individuals in both the operation and financing of the centers. Many voluntary organi-

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Footnotes at end of article.

zations provided funds to supplement those from the tri-partite pattern of wartime contributions by state, city and parent fees. In 1942, the Marshall Field Foundation and the New York Foundation helped to pay the salary of the executive director of the Mayor's Committee. In 1944, the New York National War Fund gave grants for salaries and to supply equipment for the new centers, and in 1946 granted another $58,000 to the Mayor's Committee.

Educational organizations supplied consultants and directors. Research organizations and schools served as a field staff to make surveys as to where the need for day care was the greatest. Even related governmental services were contributed. The Civilian Defense Volunteer Office assisted by training nursery school assistants. The War Food Administration provided funds under its school lunch program.

As a way of expanding day care centers in the city, the Mayor's Committee had encouraged the formation of citizens' groups in neighborhoods where there was need for new facilities. The Mayor's Committee estimated that by 1945, nearly 1,000 persons had shared responsibility with the state and city governments for operating and financing the day care program. The intense participation in planning of so many professionals and volunteers of high caliber from the fields of education, health and welfare gave the program the character of permanency rather than emergency.

The Horan Report [11]

As the war drew to a close in 1945, however, the temporary nature of the state's support became evident. The War Council was disbanded in 1946, and the responsibility for day care was transferred temporarily to the Youth Commission by Governor Thomas E. Dewey, who ordered an evaluation of the program.

This study, known as the Horan Report, became the ultimate basis upon which Dewey ended the program. In brief, it concluded that:

1. The primary emergency need for which the program was established no longer existed.

2. In New York City, where the majority of the funds were used, the needs test was elastic and generally unverified.

3. It would be necessary to establish the priority of this program in relation to other social welfare needs, to be financed by the state—such as housing, increases in teachers' salaries and other demands.

4. There was no proof that the program justified the expenditure.

5. If the program were to be assimilated into the Department of Education, it would have to be free, and thus involve a cost which the state was totally unprepared to meet.

6. Should the program be continued under welfare, it could be limited to families needing strengthening. This would presumably be based on established casework techniques and thus permit a tighter state control of eligibility.

7. The program could be dropped.

The Horan Report created a storm. Women organized public demonstrations and picket lines—one around Governor Dewey's home at Pawling. He refused to see them and called them Communists.

After receiving the report, Governor Dewey adopted the final proposal, and in December 1947 state aid was terminated.

A New York City committee of lay and professional experts, who countered each issue raised by the Horan Report, could not shake the Governor's determination to end the program. All efforts since that time to restore state aid for day care have failed, and the program has been operated as a local public program supported entirely by New York City funds, supplemented fractionally by private agencies, and the families who use it. However, the transfer in New York City from a wartime temporary day care program to a peacetime permanent one, was done without really settling any of the broad issues raised by the Horan Report. Was the program a valid ongoing peacetime responsibility for which public funds should be committed? Governor Dewey found that it was not; New York City found that it was.

The Post-War Program in New York City

This decision by the City of New York to continue the day care program, unlike most areas of the United States where programs were ended when war funds were curtailed, was accomplished primarily because of tremendous effort by the many persons and organizations which were mobilized into action to save day care. Community groups, churches, neighborhood committees, voluntary agencies, boards of directors and parents' groups joined forces in a massive campaign to make sure that the city took over where the state left off.

Among many others giving outstanding leadership were Mrs. Elinor Guggenheimer, Miss Helen Harris and the late Adele Rosenwald Levy. In fact, the Citizen's Committee for Children was founded in 1945 by Mrs. Levy and her colleagues as an outgrowth of the experiences of the Advisory Committee for the Day Care Unit of the Department of Health. Mrs. Guggenheimer (now a member of the City Planning Commission) went on in 1948 to build the present Day Care Council which she headed until 1960, when she formed the National Committee for Day Care for Children and became its president. She was succeeded by Mrs. George Stewart who is currently the Day Care Council president.

With the cessation of state funds, the day care program was integrated into the city Welfare Department, and the Division of Day Care was created within this department. It was a natural evolution, since the program had been dependent upon welfare for space, funds and personnel. The Second Deputy Commissioner was given the executive responsibility, and the Nursery Education Consultant from the staff of the Mayor's Committee became acting director of the new division.

The use of voluntary agencies and their financing assistance—was continued as well, for their financial contribution declined substantially over the following years. Thus, the basic structure remained unchanged and incorporated the licensing activities of the Health Department, the private-public administrative arrangements and the counseling services.

Quality of the Program

Many changes in the character of day care occurred from 1940 to 1947. Staff became professional; the emphasis on custodial care was modified to include planned pre-school experiences; the few ill chosen toys gave way to standardized educationally oriented play equipment; unsafe crowded rooms were replaced by ample space specifically designed for young children. Standards for teaching qualifications were set by the Mayor's Committee and the Day Care Unit of the Department of Health. Because of the shortage of trained, experienced personnel, the Mayor's Committee instituted in-service training courses for its teachers. A cooperative venture with the New York City Committee on Mental Hygiene was an added effort to provide the teachers, directors and counselors from the Information and Counseling Service with a psychiatric and psychological approach to understanding the needs of young children.

If measured by the qualifications of teachers, the types of buildings occupied, the flexibility of program, the health and social welfare services provided to the child and the family (using the seventeen criteria established by the National Association of Nursery Education), the quality of day care in the Mayor's Committee day care centers could be considered good. They did more than answer the needs of working mothers for safety for their children.

Despite the fact that the chairman was the Commissioner of Welfare, and the executive, Miss Helen Harris, was a trained social worker, day care under the Mayor's Committee was never just a welfare program. It included the educational aspects of day care, and tried to incorporate the best knowledge and skills then known to the field of early childhood education.

At the same time, the welfare concept of day care as supportive of family life was increasingly stressed, and the goal of strengthening the family and avoiding permanent placement of children grew in importance. Today this is still a major objective, affecting character, intake and size of the program.

Special Office on Day Care

The Special Office On Day Care was developed in 1968 by the New York City Department of Social Services under Commissioner Goldberg. The Office is directed by Bob Davis, Assistant to the Commissioner. Their task was to find out what problems exist in Day Care and to make recommendations to the Commissioner for way of making operations more effective and also means of having more community involvement.

Since its inception the number of day care centers have increased from 99 to 212 with a large percentage of community involvement. Their projected goal for 1972 is to have over 500 centers operational.

On March 3, 1970 Mayor John Lindsay appointed a 21-member Task Force to examine early childhood services in New York City, in addition to assessing their effectiveness in meeting the needs of children and their parents, the Task Force recommended changes in the quality and quantity of the programs. In his charge, the Mayor requested that the Task Force explore the feasibility of establishing an office for early childhood services.

The Early Childhood Development Department has now become a reality with Georgia L. McMurray as Commissioner.

In summary, the New York City public welfare child care program today has unique aspects stemming from its history;

—the involvement of so many public departments, private agencies, community groups and parent organizations;

—the appropriation of public funds and the close supervision of the use of such funds, not only by public authorities, but by private groups as well;

—the operation of the centers by private boards;

—counseling services limiting the program to children from families meeting a test of social and economic need.

The Department of Early Childhood Development should be a step in solving some of these problems in Day Care.

Findings

It is important to note that 250 questionnaires were distributed and 115 responded that were codeable. We will use the format of our questionnaire in making our presentation.

In analyzing our identifying information, we found that 69% of the respondents were married, 66% were between the ages of 15 and 29, 66% of the respondents had from 1 to 3 children.

We are aware that our samples do not adequately cover District 12. The results of the demographic characteristics show the following: of the total number of respondents, 63 are currently utilizing day care. Of the 63 respondents who are using day care services, only 26 are using public day care,

11 were using storefronts and 23 were using friends. This shows that the majority of the respondents are using unlicensed facilities. Of the 63 respondents using day care, only 25 were satisfied with their present day care arrangements. The majority of the persons were dissatisfied with their present day care arrangements because it was too expensive and too far from home.

It is therefore safe to say that more and better day care facilities are needed, should be decentralized and fees should be based on a sliding scale. Of those respondents (63) who have children in day care, only one felt their child had not benefited since using day care. In any event, 99% of the respondents feel their children have shown improvement in socialization patterns since using day care facilities.

Question 5 shows that 89% of the respondents feel there is a need for additional day care services.

Most of the respondents on question 6 stated that day care would enable them to work (44) or continue their education (43). This could reflect that the parents see day care as a step toward possibly increasing the family's economic condition.

Referring to questions 7, 8, 9, and 10, it is likely that the center should be opened five days a week from 9:00 a.m. to 5:00 p.m. It is also shown that there is a good indication that many respondents (54) would favor a center where children could be left a couple of hours a day and not on a permanent basis.

Only 19% of the respondents feel day care should be free for everyone. A sliding scale would be the proper way of basing a fee. Such a scale would make it easier for the participants to pay for the service.

All of the respondents (115) feel day care centers should be educational in nature. As with question 15, over 51% of the respondents do not feel that the majority of employees in a center should be from the community. This could mean that the respondents are more interested in services than where a person lives. Thirty-five percent of the respondents feel the majority of employees should be from the community. This shows there is some interest in where an employee resides. Only five respondents indicated that they would want a private group to operate a day care center.

This could mean that the respondents feel a privately operated center would have little or no accountability to the community. Forty-six percent prefer a center to be community operated and 34% want it to be governmental (city, state or federal).

Conclusion

In conclusion, we can infer from our findings that there is an interest and need in establishing more and better day care centers in the 12th Congressional District.

As this is a pilot study, it is our contention that we proved the temporary hypothesis (there is a need for more day care centers in the 12th Congressional District).

There is a need for further inquiry into establishing more day care centers in the district. The student whose field placement is with Congresswoman Chisholm will be doing further research on day care in the 12th Congressional District.

Brooklyn, N.Y. 12th Congressional District***

*Day Care Chart—December 1969***

	Total Children
Public Day Care Centers, (7)*	525
Private Day Care Centers, (11)	455
20% Estimated using other services	12,460
Children under 6 years of age	60,730
Children under 5 years of age	18,739
Have no service available	47,290

***Department of Health Statistics.

** No changes have been made in number of Day Care Centers as of December, 1969.

*Three public day care centers are currently under construction by the Department of Social Service and will be open by May, 1971.

FOOTNOTES

[1] Bernice H. Fleiss, *The Relationship of the Mayor's Committee on Wartime Care of Children to Day Care in New York City*, 1962 (Unpublished doctoral dissertation), New York University, p. 4.

[2] *Ibid*, p. 10.

[3] *Ibid*, p. 14.

[4] *Ibid*, p. 15.

[5] For original source see Dorothy Zeitz, *Child Welfare*, New York Wiley & Sons, Inc., 1959, p. 173.

[6] *Ibid*, p. 187.

[7] Fleiss, *op. cit.*, p. 39.

[8] *Ibid*, p. 39.

[9] *Ibid*, p. 46.

[10] *Ibid*, p. 66.

[11] "An Evaluation of the State-Aided Child Day Care Program," submitted by L. S. Horan, Staff Member, New York State Youth Commission, 1947.

DAY CARE QUESTIONNAIRE

Identifying Information

A. Residence:	
Bedford-Stuyvesant	58
East New York	7
Bushwick	35
Williamsburg	15
Total	115
B. Age:	
15–19 years old	17
20–24 years old	38
25–29 years old	21
30–34 years old	11
35–39 years old	4
40–44 years old	2
45–51 years old	21
No age given	21
Total	135
C. Marital Status:	
Single	12
Married	80
Separated	9
Divorced	3
Widowed	2
D. Number of Children:	
None	1
1 Child	30
2 Children	27
3 Children	19
4 Children	11
5 Children	7
6 Children	1
7 Children or more	2
No response	17
Question #1—Have Day Care Services:	
Yes	63
No	47
No response	5
Question #2—Present Day Care Services:	
Public Day Care	26
Storefront	11
Friends	23
Relatives	3
None	—
Question #3—Are you satisfied with Present Day Care?	
A. Yes	25
No	30
Not sure	8
B. Dissatisfied with Present Day Care:	
1) Present Day Care too expensive	9
2) Too far from home	11
3) Not enough adult supervision	7
4) Present Day Care building in poor condition	3
Question No. 4—Benefited from Day Care:	
Yes	62
No	1
Question No. 5—Need for more Day Care:	
Yes	103
No	12
Question No. 6—Day Care would enable:	
A. Work	44
B. Continue Education	43
C. More leisure time	7
D. Engage in family activities	21
Question No. 7—Twenty-four hour Day Care:	
Yes	25
No	75
No response	15
Question #8—Weekend Day Care:	
Yes	25
No	56
No response	16
Question #9—Frequency of Use of Child Care Services:	
5 days per week	100
3 days per week	1
6 days per week	1
7 days per week	1
No response	12
Question #10—Day Care on Part Time Basis:	
Yes	54
No	53
No response	8
Question #11—Free Day Care:	
Yes	23
No	90
No response	2
Question #12—Education in Nature:	
Yes	115
No	0
Question #13—Employ Social Work, and/or Education Students:	
Yes	94
No	18
No Response	3
Question #14—Majority Community Employees:	
Yes	41
No	59
No Response	15
Question #15—Type of Groups Operating Center:	
Community	53
Private	5
Government (City/State)	40
No Response	17
Question #16—Additional Services:	
Infant Care	40
No Response	75

QUESTIONNAIRE

Statement of intent:

Congresswoman Shirley Chisholm is very interested in the extent of day care services. We know of the need for better day care services in Brooklyn, but we desire to have substantiated material in order to answer *specific* questions that may be asked of us in relation to this vital problem.

It is hoped that better day care services will develop in our community in the near future. Filling out this questionnaire *in no way obligates you* to participate in any day care services. All information is confidential.

Name _____ (optional)
Community Address _____
(Example: Ocean Hill)
Age _____ Marital Status _____
No. of Children _____ Ages _____
Occupation _____

1. Do you presently have day care services?
____ Yes
____ No
* If no, go to question No. 5.

2. If No. 1 is yes, what is the present day care service you have?

3. Are you satisfied with the present day care services?
____ Yes
____ No
If No. 3 is no, are you dissatisfied because:
(a) Present day care services are too expensive.
(b) Present day care services are too far from home.
(c) Present day care services do not have enough adult supervision.

(d) Present day care building is in poor condition.

4. Do you feel that your child has benefited from day care?

---- Yes
---- No

5. Do you feel there is a need for more day care services in your community?

---- Yes
---- No

6. More and better day care services would enable you to:

---- (a) Work
---- (b) Continue education
---- (c) Have more free time
---- (d) Engage in other activites for your family.

7. Do you feel a day care center should be open 24 hours a day?

---- Yes
---- No

8. Should a day care center be open on weekends?

---- Yes
---- No

9. How many days a week would you use a center? ----

10. Are you in favor of a day care center where you could leave your child for a couple of hours a day, but not on a permanent basis?

---- Yes
---- No

11. Should the day care service be free for everyone?

---- Yes
---- No

12. Would you like the day care center to be educational in nature?

---- Yes
---- No

13. Would you like the day care center to employ students in the field of education and social work?

----Yes
----No

14. Should the majority of employees in the center be community members?

----Yes
----No

15. What type of groups would you like to operate the day care center?

----(a) Governmental (City, state or federal)
----(b) Private organization
----(c) Community operated

16. What additional type of services would you like to see in the day care center?

Additional comments ----------

Thank you.

Remember: This information is for the confidential use of Congresswoman Shirley Chisholm *only*!!!

THE CITY OF NEW YORK—DEPARTMENT OF SOCIAL SERVICES, BUREAU OF CHILD WELFARE—DIVISION OF DAY CARE

Sample annual budget for a day care center for 55 children

Staff

Full-Time: 1 Director; 3 Teachers; 3 Assistants; 3 Teacher Aides; 1 Bookkeeper Clerk; and 1 Helper. *Part-Time:* 1 Cook 35 hours per week; and 1 Janitor.

Expenditures

Salaries	$100,556.00
Health Services	396.00
Telephone and Postage	400.00
Equipment, Supplies and Laundry (incl. Uniforms)	2,495.00
Food	6,353.00
Heat, Gas and Light	1,500.00
Minor Repairs and Maintenance	285.00
Payroll Taxes & Fringe Benefits	9,425.00
Liability and Fire Insurance	350.00
*Total Expenditures	121,760.00

*No estimate for rent is included. Actual rent paid subject to Department of Social Services approval, may be included.

12/30/69.

Estimated Annual Per Capita: $2,213.82.

Source of Funds

As of October 1970, all expenditures are paid by the City of New York.

Brooklyn.—Health areas 15, 17, 19, 21, 22, 28–1, 27.10, 29, 30, 33, 34, 35, 49, 57–1

Total Population	460,495
Children under 6	120,885
P.A. Children under 5	31,674
P.A. Family Cases	28,228
Live Births	8,621
Deaths under 1	415
O.W. Births	2,548

12th Congressional District

Areas Covered: (East New York); (Bedford-Stuyvesant); (Bushwick); and (Williamsburg).

February, 1971.

Incorporation Process

Step I.—Send letter or telephone Secretary of State requesting that name group has chosen for center be reserved.

Step II.—Submit certificate of Incorporation and completed questionnaire to Miss Vivian Bucknam. (Send two *draft copies* of certificate of Incorporation).

Step III.—After report is written by Miss Bucknam, she will request *original* certificate of Incorporation from group's Attorney.

Step IV.—All papers including Miss Bucknam's report are then forwarded to the State Board of Social Welfare who reviews same. Approval or rejection of Incorporation rest entirely in their hands. If approved:

Step V.—The original certificate with endorsement is sent to the operating agency who then submits certificate to the Supreme Court of the respective borough where the day care center is located (Special terms part II, for Judge's signature) this should take from one to three days.

Step VI.—Once signed by Judge the operating agency sends the certificate of Incorporation ($50.00) to the Secretary of State (Albany) for actual charter. Should be completed in one to two weeks.

Step VII.—After papers are returned the group should purchase a corporate seal kit. (Can be purchased in most stationery stores). The kit consists of a corporate seal, minute and by-laws books. Cost approximately $17.00–$20.00.

BROOKLYN DAY CARE CENTERS, DISTRICT 12 SAMPLE, NOV. 30, 1970

Center	Capacity N	Capacity S.A.	Waiting list N	Waiting list S.A.
Bedford-Stuyvesant:				
Bedford	75	------	99	------
Mary McLeod Bethune	55	------	91	------
Bethune Lafayette	70	------	28	------
Brevoort	55	------	215	------
Cleaveland	85	------	292	------
Cornerstone	45	------	93	------
Dr. King Memorial	55	------	52	------
	440		870	
Bushwick:				
Salvation Army (Ridgewood)	45	15	81	6
Frederick Williams	60	25	75	------
	105	40	156	6
Brownsville: Brownsville	55	35	216	148
Williamsburg:				
Charitot	45	------	34	------
Graham	55	------	56	------
Marcy	54	------	39	------
Sumner	55	------	60	------
Tompkins	55	45	35	1
Jonathan Williams	97	------	150	------
Robert Kennedy	64	------	60	------
	425	45	434	1

DAY CARE CENTERS OPENED WITHIN THE LAST FIVE (5) MONTHS IN BROOKLYN—MARCH 1971

*Audrey Johnson Day Care Center-Bushwick Civic Action Center, 272 Moffat Street, Brooklyn, New York.

*Bethesda Church, 619 Stanhope Street, Brooklyn, New York.

Brooklyn Hispanic Program, 1040 Glenmore Ave., Brooklyn, New York.

Boulevard Nursery, 2150 Linden Blvd., Brooklyn, New York.

Carey Gardens Day Care Center-Jewish Board of Guardians, 23rd and Surf Ave., Brooklyn, New York.

*Frederic Williams Day Care Center, 1002 Bushwick Ave., Brooklyn, New York.

*Park Place Day Care Center-Interfaith, 963 Park Place, Brooklyn, New York.

*In District 12

PROPOSED DAY CARE CENTERS IN BROOKLYN—MARCH 1971

*Association of Black Social Workers, 1007 Bedford Ave., Brooklyn, New York.

Bedford-Stuyvesant Boys Club, 72–A Washington Ave., Brooklyn, New York.

*C.I.G., 22 Herkimer St., Brooklyn, New York.

East New York Neighborhood Area No. 5, 2556 Atlantic Ave., Brooklyn, New York.

Gregg St. Day Care Center, 77–85 Stagg Street, Brooklyn, New York.

JUSTA, 452 Pennsylvania Ave., Brooklyn, New York.

*Martin De Porres Day Care Center, 783 Knickerbocker Ave., Brooklyn, New York.

NOUVO, 81–89 Irving Place, Brooklyn, New York.

United Committee of NUSBG, 152 Manhattan Ave., Brooklyn, New York.

United Youth Action, 251 Liberty Ave., Brooklyn, New York.

*In District 12.

DEPARTMENT OF SOCIAL SERVICES, BUREAU OF CHILD WELFARE, DIVISION OF DAY CARE

YOUTH FACILITY IMPROVEMENT ACT FUNDS AND INDIRECT LEASE, BROOKLYN, JUNE 30, 1970

Voluntary sponsoring agency and address	Poverty area	Capacity	Site tentative approval	Tentative approval of sponsoring agency	Renovation status and comments
Ann's Play Center, 1485 St. Johns Pl	CH				YFIA, awaiting preliminary plans.
Assembly of God, 365 Van Brunt St	SB	95 N, 40 SA	X	X	Seeking YFIA funds.
Bedford-Stuyvesant Development Service Corp.:					
(A) 646 DeKalb Ave	BS		X	X	Awaiting plans (YFIA).
(B) 632 Grand Ave	BS		X	X	Plans in real estate, Dec. 24, 1969 (YFIA).
(C) 1122 Lafayette Ave	BS		X	X	Application for State funds in progress.
(D) 1514 Pacific St	BS		X	X	Awaiting plans (YFIA).
(E) 1479 St. Marks Pl	BS		X	X	Awaiting plans, Apr. 20, 1970 (YFIA).

Footnotes at end of table.

Voluntary sponsoring agency and address	Poverty area	Capacity	Site tentative approval	Tentative approval of sponsoring agency	Renovation status and comments
Builders for Family and Youth of Diocese of Brooklyn:					
(A) Arion Club, 1002 Bushwick Ave. and Grove St	BU		X		Agency to do renovations.
(B) Presentation Parish, Rockaway Ave. and Bergen St	BU		X		Approved for State funding.
Bushwick District No. 3 Youth and Adult Center, Woodbine St., and Knickerbocker Ave.	BU				Awaiting plans (YFIA).
Central Bedford-Stuyvesant Community Service, 179 Tompkins Ave.	BS				Awaiting decision on financing.
Commerce, Labor, Industry Corp. of Kings, Brooklyn Navy Yard, building No. 121.	FG		X		Legal questions to be resolved with GLICK's legal staff.
Community Corp., 478 Washington Ave	FG		X		Awaiting architect's report.
Community Redemption Foundation (site No. 21 model cities), Alabama and Livonia Ave.	ENY	55	X		East New York Multi-Services Committee recommends new construction instead of renovations.
Community Sponsors, 343 Carlton Ave	FG	120	X	X	Application for funds in progress.
First Baptist Church, 455 Evergreen Ave			X		Awaiting plans.
Fort Greene Cultural Club, 149 North Oxford Walk	FG		X	X	Awaiting decision on renovation plans with Housing Authority.
Group of Friends for Day Care, Inc., 7–13 Quincy St	FG		X	X	
A. Randolph Haig, 83–85 Hanson Place	FG		X		Awaiting completion of plans from agency architect.
Interfaith:					
(A) Bethany Methodist Church, 1208 St. Johns Place	CH		X		Awaiting report of D O. SS architect.
(B) Calvary A. M. E. Church, 790 Herkimer St	BS		X		Do.
(C) First Church, 221 Kingston Avenue	CH		X		Agency architect preparing plans.
(D) New Brooklyn Reform Church, 1062 Herkimer St	BS		X		Do.
(E) United Methodist Church, 1139 Bushwick Ave	BS		X		Awaiting plans.
(F) John Wesley United Methodist Church, 260 Quincy St	BS	75	X		Raising funds for renovations.
Jewish Board of Guardians, Carey Gardens, West 24th St. and Surf Ave.	GI	75	X	X	Housing authority site. [1]
Lafayette Ave., Presbyterian Church, 83 South Oxford St	FG		X		Awaiting meeting with day care center
Los Indios, 20 Tiffany Place	SB		X		Awaiting plans.
Latin Americans for Progress, Church of the Ascension, Java Street, Manhattan Ave., and Franklin St.	None		X		Awaiting decision on financing.
Lew Memorial, First Unitarian Congregation of Brooklyn, 123 Pierrepont St.	SB		X		Plans to real estate.
Martin De Porres, 260 Knickerbocker Ave	BU		X		Awaiting agency decision on financing.
Morning Dew Baptist Church, 265 Nostrand Ave	BS		X		Do.
Mothers Day Care Center, 4th Ave., and 12th St	SB		X		Applying to State for loan.
New Hope Baptist Chruch, 1329 Park Pl	CH		X		
Oceanhill-Brownsville Community Council:					
(A) 320 Rockaway Ave	BR		X		Architect to prepare plans.
(B) 401 Saratoga Ave	BR		X		Group to purchase building.
(C) Brooklyn Women's Hospital, 131 Watkins St	BR		X		Group architect to do plans.
Chel Sara Day School, 771 Crown St	CH	35	X		Exploring YFIA.
Operation Grass Roots:					
(A) 564 Hopkinson Ave	BR		X		Awaiting plans.
(B) 436 Rockaway Ave	BR		X		Awaiting D.O.SS architect's report.
O.I.C. (Opportunities and Industrialization Center) Friendship Baptist Church, 72 Hopkimer St.	BS	55	X		Construction drawings in design.
Park Slope North Improvement Corp., 63–71 Lincoln Pl	SB		X		Awaiting plans.
Prince of Peace Lutheran Church, 1318 Jefferson Ave	BU				Awaiting agency decision on financing.
St. Matthews Lutheran Church, 1187 East 92d St. and Flatlands Ave.	None	35	X		Do.
St. Paul's Church, 392 MacDonough St	BS		X		Awaiting architect's evaluation.
St. Paul's Community Baptist Church, 1926 Prospect Pl	BR		X		Awaiting D.O.SS architect's report.
Salvation Army:					
(A) Bedford-Stuyvesant, 110 Kosciusko St	BS		X	X	Renovations in progress.
(B) Brownsville, 280 Riverdale Ave	BS	55	X	X	Long-range construction, 2 to 3 years' delay from November 1968.
(C) Ridgewood, 110 Starr St	BS		X	X	Funding of existing program approved.
Southside Community Mission, 217 South 4th St	W				Awaiting plans.
446 Tenants' Council, 495 Maple St	None		X		Do.
United Civic Action Organization, 468 Mercy Ave	W		X	X	Housing authority site—awaiting renovations.
United Community Centers, 613 Newlots Ave	ENY	100 N 80 SA	X	X	Awaiting plans.

CITY LEASE, BROOKLYN, JUNE 30, 1970

Conselyea Block Association, 311 Ainello St	W		X	X	Awaiting plans from real estate.
198 Albany Ave	OH				Do.
413 Atlantic Ave., and Nevins St	SB				Awaiting decision from Bureau of Special Services, June 24, 1970.
East New York Neighborhood Social Services, 2550 Atlantic Ave.	ENY	55 N	X	X	Approved by Board of Estimate, Feb. 13, 1969 (under construction).[2]
1101 Avenue U near Coney Island Ave	None		X		Plans in plant management.
Association of Black Social Workers, 1007 Bedford Ave	BS		X	X	Approved by Board of Estimate, Oct. 9, 1969.[3]
Community Sponsors, 1410 Bedford Ave	FG		X	X	Approved by Board of Estimate, June 1970.
Haitian-American Independent Craftsmen Assn., Inc., 1491 Bedford Ave.	OH		X	X	Do.
Bedford Heights Community Day Care Center, 1995 Bedford Ave.	None		X		Plans to real estate, June 2, 1970.
Friendly Christian Church, Bergen St. and Stone Ave	BR		X		Awaiting city planning commission approval, Apr. 2, 1970.
United Negro Puerto Rican Front, Inc., 537 Blake Ave	ENY	95 N 60 SA	X	X	Plans to plant management, Apr. 20, 1970.
United Youth Action, 163 Bradford St	ENY		X		2 sites.
Oceanhill—Brownsville Community Council, 1612 Broadway	ER		X	X	Plans in plant management—Awaiting city planning commission approval.
Vanderveer Tenants Association, 1404 Brooklyn Ave	None				Awaiting plans and CPC approval.
Martin De Porres, 1375 Bushwick Ave	BU		X		Approved by board of estimate, May 1970.
91–95 Cedar St	BU		X		Awaiting plans from real estate, June 20, 1970.
Bedford-Stuyvesant Development & Service Corp.:					
1891O Glavor Pl	BS		X		Plans in plant management, awaiting CPC approval.
595 Clinton St	SB		X		Plans to plant management, January 28, 1970.
La Casa, 234 Columbia St	SB		X		Plans to real estate, March 16, 1970.
Congress of Italian, American Organizations, 292 Court St	SB		X		Awaiting plans, awaiting approval from bureau of special services.
Sarah Walker Corp:					
1364 Dean St	BS				Plans in plant management.
803 De Nalb Ave	BS		X		Awaiting plans from real estate, June 18, 1970.
Sumont Ave. between Pine and Euclid	BMX				Plans to plant management, February 3, 1970.
Tender Loving Care, 1403 Eastern Parkway	BR				Awaiting plans.
313 Elton St	ENY		X		Awaiting plans.
Farragut Rd. at East 105 St.: Flatland Urban Independent Park Development.	None		X	X	Approved by board of estimate, Apr. 15, 1970.
172 Franklin St., Revelation Pentacostal House of Prayer	do		X		Plans in plant management, Mar. 31, 1970.
956 Fulton St	FG				Awaiting plans from real estate, May 7, 1970.
2071 Fulton St.: Oceanhill-Brownsville Community Council	BS		X		Plans in plant management.
3208 Fulton St.: East New York Neighborhood Social Services	SB		X	X	Approved by board of estimate.
50–66 Garden St.: Bushwick Community Services	W		X		Plans to plant management, June 15, 1970.
S/W corner Glenmore and Georgia Aves	ENY		X		Awaiting information from real estate, June 5, 1970.
264 Grafton St	BR		X		Awaiting plans from real estate
135 Grand St., Southside Community Mission	W		X	X	Plans to plant management, Mar. 2, 1970
19 Grant Sq	BS		X		Awaiting plans.
20 Halsey St	BS				Plans to plant management, June 11, 1970

Footnotes at end of table.

DEPARTMENT OF SOCIAL SERVICES, BUREAU OF CHILD WELFARE, DIVISION OF DAY CARE—Continued

YOUTH FACILITY IMPROVEMENT ACT FUNDS AND INDIRECT LEASE, BROOKLYN, JUNE 30, 1970—Continued

Voluntary sponsoring agency and address	Poverty area	Capacity	Site tentative approval	Tentative approval of sponsoring agency	Renovation status and comments
60 Harrison Ave., United Talmudic Academy	W		X	X	Approved by board of estimate.
600 Hart St	BU		X	X	Approved by board of estimate, Aug. 21, 1969.[4]
Hegeman Ave., between Linwood and Essex Sts	ENY		X	X	Approved by board of estimate
645 Hegeman Ave., Coretta King Day Care Center, Inc	ENY	35 N	X	X	Plans in plant management, Apr. 8, 1970.
155 Hinsdale St	ENY				Awaiting plans from real estate. May 14, 1970.
249 Hopkinson Ave	BR				Awaiting plans.
Bethel Baptist Church, 242 Hoyt St	SB		X	X	Approved by board of estimate, Feb. 13, 1970.
Brook-Boro Club, Inc. 81 Irving Place	FG		X	X	Approved by board of estimate, Feb. 13. 1970.[5]
CAC No. 3, 349 Koap St	W		X	X	Plans to real estate, May 14, 1970.
Martin De Porres, 783 Knickerbocker Ave	BU		X	X	Approved by board of estimate, Oct. 9, 1969.[6]
Tabernacle Church of God, 34–52 Kosciusko St	BU	1 775 N, 1	X	X	Plans to plant management, Mar. 31. 1970.
Church of God in Jesus Christ, 466 Kosciusko St	BS	35 N, 2340 SA.	X	X	Awaiting plans.
United Lubavitcher Yeshivoth, Lefferts Ave			X		Awaiting plans.
Black Economic Union:					
95 Lexington Ave	BS	75 N, 75 SA	X		Plans to real estate, Mar. 4, 1970.
703 Lexington Ave	BS		X		Awaiting plans from real estate, May 6, 1970.
Catholic Charities, 851 Liberty Ave	ENY		X	X	Approved by board of estimate, Dec. 3, 1969.[7]
Lindsey Park, Vest Pocket Housing	CI		X		Plans in plant management.
New York State Urban Development Corp.:					
551 Livonia Ave	ENY		X		Awaiting plans.
80 Lorraine St	SB		X		Plans to plant management, Nov. 6, 1969.
38–40 Lynch St	W		X	X	Approved by board of estimate, Apr. 15, 1970.
257 Macon St.: Newman Memorial United Methodist Church	BS	35N			
855 Madison St.: Madison Street Block Association	BS		X		Plans to plant management, Apr. 20, 1970.
73 Malta St.: Tender Loving Care	BNX				Awaiting plans.
152 Manhattan Ave.: United Community of Williamsburg	W	50N	X	X	Approved by board of estimate, Dec. 17, 1969.[8]
495 Maple St.: 446 Tenants Council	CH				Awaiting plans.
69 MacDonough St.: Stuyvesant Heights Christian Church (Interfaith)	BS				Agency seeking renovation funds plans to plant management, June 3, 1970.
272 Moffat St.: Bushwick Civic Action Organization	BU	90	X		Approved by board of estimate, Oct. 12, 1969.[1]
1061 Montgomery St	CH		X		Plans to plant management, May 22, 1970.
177 Moore St., Mount Calvary Fire Baptised Church	W		X		Plans to plant management, June 30, 1970.
N/E corner Myrtle Ave. near Waverly	FG		X		Awaiting plans.
293 Neptune Ave. near Brighton 4th	None				Do.
370 New Lots Ave	ENY		X		Board of estimate laid over to July 23, 1970.
121 New York Ave. United Methodist Church	BS		X		Plans in plant management.
963 Park Pl. Bobover Yeshiva (Interfaith)	CH		X	X	Approved by board of estimate, Oct. 9, 1969.[6]
452 Pennsylvania Ave., Christians United for Service and Action	ENY		X	X	Approved by board of estimate Dec. 3, 1969.[9]
Brooklyn Hispanic Civic Organization, Inc., 576 Pine St	ENY		X	X	Approved by board of estimate, Oct. 25, 1969.[7]
United Youth Action, 2505 Pitkin Ave	ENY		X	X	Approved by board of estimate (2 sites).[8]
1229 President St	CH		X		Awaiting plans from real estate, Feb. 16, 1970.
New Life Herald Baptist Church, 1455 Prospect Place	CH		X	X	Approved by board of estimate, Oct. 9, 1969.[1]
Pulaski St. between Throop and Sumner Ave	BS		X		Awaiting plans from real estate, Feb. 6, 1970.
Avent Community Service, 261 Rochester Ave	CH		X		Awaiting plans.
Williamsburg Women's Association, 210 Rodney St	W		X		Plans to plant management, Jan. 21, 1970.
Mid-Brooklyn Affiliates:					
Rogers Avenue near Carroll and Crown	CH		X		Awaiting plans from D.O.SS architect.
432 Rutland Rd	CH		X		Plans to plant management, Mar. 23, 1970.
Mrs. Jennings Lamp Co.:					
1492 St. Johns Pl	CH		X	X	Plans to real estate, Jan. 27, 1970.
505 St. Mark's Ave	CH		X		Awaiting plans.
800 St. Mark's Ave	CH		X	X	Approved by board of estimate, Oct. 9, 1969.[9]
1610 St. Mark's Ave	BR		X		Awaiting plans.
776 Saratoga Ave	BR		X		Do.
New Lots Reformed Church, 653 Schenck Ave	ENY		X		Plans in plant management, June 1970.
Smith St.: (1st to 2d place)	SB		X		Approved by board of estimate, Nov. 12, 1969.
33 Somers St	BS		X		Awaiting plans.
193–199 South 2d St.: Charitot Expansion YMHA	W		X		Plans to plant management, Mar. 25, 1970.
83–85 Stagg St.: St. Johns Evangelical Church	W		X	X	Approved by board of estimate, Dec. 3, 1969.
319 Stanhope St.: Bethesda Christian Church	BS		X	X	Approved by board of estimate, Jan. 23, 1970.[6]
Sumner Ave. between Gates Ave. and Quincy St	BS		X		Plans in plant management, May 22, 1970.
158 Sumner Ave	BS		X		Plans to plant management, Feb. 25, 1970.
265 Sumner Ave	BS		X		Plans to plant management, May 28, 1970.
3125 Surf Ave., Welfare Clients Group	CI		X		Plans to real estate, June 15, 1970.
3628 Surf Ave., Roberta Bright Day Care Center, Inc	CI	75 N, 40 SA	X	X	Approved by board of estimate, Feb. 13, 1969.
20 Sutter Ave., One Stop Community Center	BR	70 N, 40 SA	X	X	Approved by board of estimate, Oct. 29, 1969.
Suydam St., between Wilson and Central Aves	BU		X		Awaiting plans.
38 Truxton St	BS		X		Awaiting plans from real estate, Mar. 19, 1970.
578 Van Siclen Ave., National Organization for Veterans' Advancement.	ENY		X	X	Approved by board of estimate, Sept. 18, 1969.
400 Vernon Ave	BS		X		Awaiting plans from real estate, Apr. 21, 1970.
Nobble Hill Center Group, Warren St. between Smith and Hoyt Sts.	SB		X		Awaiting plans from real estate, April 6, 1970.
Interfaith, 720 Washington Ave	CH		X	X	Approved by board of estimate, Oct. 9, 1969.[4]
N.Y. State Urban Development Corp.:					
West 27th St and Surf Ave	CI		X		Plans in plant management.
West 30th St. and Surf Ave	CI		X		Do.
Centro Civico Cultural Agaudillano, 656 Willoughby Ave	BS	75 N, 40 SA	X	X	Approved by board of estimate, Apr. 15, 1970. (Plans to be resubmitted to board of estimate, June 18, 1970.)[6]
Jewish Child Care Association.:					
899 Winthrop St	None				Awaiting plans.
71–73 Wolcott St	SB		X		Plans to plant management, Oct. 1, 1969.
H/W cor. York St., near Cold St	FG				Plans to plant management, May 27, 1970.
309 2d St. between 4th and 5th Ave	SB		X		Awaiting plans from real estate, June 29, 1970.
Y.M.C.A. of Brooklyn, 30 Third Ave	SB		X		Awaiting plans from real estate, Apr. 6, 1970.
Sunset Ridge Organization Committee of Kings, 709–711 4th Ave.	SB		X		Plans to plant management, June 8, 1970.
Hispanos Unidos of Park Slope, 251 12 St	SB		X	X	Plans in plant management.
FM & WHA of Boro Park:					
5908 13th Ave	None		X		Do.
40–01 15th Ave	None		X		Awaiting plans from real estate, Apr. 27, 1970.
Hobover Yeshiva (Interfaith) 1548 48th St	OR		X		Awaiting report of D.O.SS architect, June 1970.
48th Street & 7th Avenue	SP				Awaiting preliminary plans.

[1] Tentative opening date November 1970.
[2] Tentative opening date June 1970.
[3] Tentative opening date October 1970.
[4] Tentative opening date August 1970.
[5] Tentative opening date April 1970.
[6] Tentative opening date December 1970.
[7] Tentative opening date July 1970.
[8] Tentative opening date May 1970.
[9] Tentative opening date January 1971.

NANCY HANKS SPEAKS TO NATIONAL ART EDUCATION ASSOCIATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. BRADEMAS. Mr. Speaker, Nancy Hanks has been called the "Nation's first lady of the arts."

As Chairman of the National Endowment for the Arts, Miss Hanks has given outstanding leadership in winning support for activities that can be the source of great enrichment for our lives. She has worked to insure that all Americans have the opportunity to learn about the creative and performing arts.

Mr. Speaker, I was privileged to be on hand in Dallas, Tex., on April 4, 1971, to hear Miss Hanks' eloquent keynote address to the 11th Biennial Conference of the National Art Education Association.

In her message to this organization of teachers of art in schools and colleges throughout the country, Miss Hanks talked about the success in explaining a program of arts in America.

Mr. Speaker, Miss Hanks' remarks are testimony to the value of the National Endowment for the Arts, which Congress overwhelmingly supported last year, and I would like to share her message with my colleagues.

Mr. Speaker, I ask unanimous consent that Miss Hanks' address be printed in the RECORD.

The text follows:

"EDUCATION THROUGH ART A GATEWAY"

(By Nancy Hanks, Chairman, National Endowment for the Arts, to the National Art Education Association, Dallas, Texas, April 4, 1971)

Most of us can remember, with affection and gratitude, a teacher who established something everlasting for us: a way of seeing things, or of feeling them; a particular poem or book or shape.

I am talking about the lasting experiences that direct our eyes outward or our thoughts inward; the experiences that are gateways to life; the experiences that are what teaching can be and what education is for.

There are teachers as well, one remembers, who implant other kinds of memories, other kinds of experiences and they too have lasting effects on us.

Early memories

You think of them at odd moments. Recently, while walking my dog, for some reason, out of the 'blue,' came a memory from my childhood.

When I was five or six, we were given a class assignment, to paint a map of the United States. Each of us was given a different color and an area. I was to paint the Atlantic Ocean blue.

I loved that blue and I painted with abandon. I had the most marvelous time. I, in my joy with the color, and no knowledge of geography, and just seeing the outlines of the United States on the big piece of paper, gaily painted Canada blue too!

Well, that teacher gave me "blue blazes." She was really angry that I had ruined the class project.

I have never felt any freedom with paint since, no loss to the world because I am certain I never could have been an artist in any case. And, I might add I still don't like blue.

I don't, as a rule, go around reciting bits of autobiography in public but my experience in this instance had to do with art and education and teachers, which is what you are, and what you do, and what concerns all of us.

Each of us can recall a similar experience, good and bad.

Unfortunate image

Perhaps the most devastating comment I've read recently on the results of the bad experiences was quoted in "This Magazine is About Schools." The child said, "The most beautiful classroom in the world is when you walk into the classroom and you can't find the teacher."

Another comment by a student in one of our Artists-in-the-Schools programs runs it a close second. He said: "I don't know—he didn't seem like a teacher, but someone you could learn from."

What these children said in simplicity has been attested to in detail, and with no small amount of frustration and fury, by increasing numbers of grown-ups, led by experts in education.

You cannot read about education today without reading of what is wrong with it. Librarians, if they have not already, will soon have to make a separate category: Education, Crisis of.

For the Three R's, we are substituting the Three C's: Crisis, Conflict and Confusion. But, all is not lost. C is still a passing grade. It can and should be improved, of course. That is why we are here.

I am not, however, an exponent of gloom. I am confident that this country has the intelligence and resources and stamina to meet the challenge and raise our grade from C.

In our efforts, we are immeasurably helped by the critics of curricula, men of distinction, including James B. Conant, Jerome Bruner, Gerald B. Zacharias, and others who have increasingly in recent years exposed deficiencies going to the heart of our educational system.

Sharp criticism

Charles Silberman, for example, in his formidable study, "Crisis in the Classroom," says bluntly:

"It is not possible to spend any prolonged period visiting public school classrooms without being appalled by the mutilation visible everywhere—mutilation of spontaneity, of joy in learning, of pleasure in creating, of sense of self. . . ."

That is a devastating indictment. But, he goes on to say:

"Schools can be humane and still educate well. They can be genuinely concerned with gaiety and joy and individual growth and fulfillment without sacrificing concern for intellectual discipline and development. They can be simultaneously child-centered and subject-or-knowledge-centered. They can stress aesthetic and moral education without weakening the Three R's. They can do all these things if—but only if—their structure, content, and objectives are transformed."

The late Dr. Abraham H. Maslow, the brilliant and pathfinding professor of Psychology at Brandeis University, and President of the American Psychological Association, wrote (for the Tanglewood Symposium on Music in American Society) of a new conception of learning, of teaching, of education.

It holds, he said:

"That the function of education, the goal of education—the human goal, the humanistic goal, the goal so far as human beings are concerned—is ultimately the self-actualization of a person, the becoming fully human, the development of the fullest height that the human species can stand up to or that the particular individual can attain. In a less technical way, it is helping the person to become the best that he is able to become."

TURNING POINT

Dr. Maslow felt that we were at a turning point. Something new, he said, was happening. There are discernible differences—and these are not differences in taste or arbitrary values. They are, he said, empirical discoveries. They are new things that have been found out. From them, he went on, are generated all sorts of propositions involving values and education.

"One," he said, "is the discovery that the human being has higher needs, which are a part of his biological equipment, the need to be dignified, for instance, and to be respected, and the need to be free for self-development."

Really effective education in the arts, he said, is closer than standard core curriculum to genuine education, the process of learning one's identity as an essential part of education. "If education does not do that," he said, "it is useless."

What education is, Dr. Maslow said, "is learning to grow, learning what to grow toward, learning what is desirable and undesirable, learning what to choose and what not to choose."

And he said he thought that the arts "are so close to our psychological and biological core, so close to this identity, this biological identity, that rather than think of these courses as a sort of whipped or luxury cream, they must become basic experiences in education. I mean that this kind of education can be a glimpse into the infinite, the ultimate values. This intrinsic education may very well have art education, music education, and dancing education as its core."

"Such experiences could very well serve as the model, the means by which perhaps we could rescue the rest of the school curriculum from the value-free, value-neutral, goalless meaninglessness into which it has fallen."

NO TIME

Yet, witness the Study of Education at Stanford, considered by Fred Hechinger as perhaps the most vital curricular statement in a decade. In 10 volumes, it finds the space to note only that, while there is widespread student interest in active participation in the arts, time did not allow extended consideration of the subject.

A Harris poll, however, *has* documented some of that interest. It showed that 18 percent of the college seniors interviewed did indeed have an interest in the arts; not as an avocation, not as a sometime part of an otherwise directed life-style, but as a full-time way of living.

And what about freshmen? In a profile compiled by the Chronicle of Higher Education, 9.2 percent of them chose the fine arts as a probable major field of study, as compared to 16.2 percent who wanted to concentrate on business and 11.6 percent who were interested in education.

The arts ranked third in the listing of preferences, two notches ahead of the social sciences and engineering which came in fourth and fifth. As a career preference, to be an artist was more interesting to the freshmen than to be a nurse, doctor, lawyer or college teacher.

The most popular single probable career category chosen was "undecided" which shows that, with regard to this area of young people's lives today, things haven't changed much from the time I went to college!

WANT MORE

What the young people are saying by poll, deed and action—Woodstock, remember, has been aptly called an atavistic rite—was strongly put by the late Herbert Read, poet, art historian and critic:

"If seeing and handling, touching and hearing and all the refinements of sensation that developed historically in the conquest of nature and the manipulation of material

substances are not educed and trained from birth to maturity, the result is a being that hardly deserves to be called human: a dull-eyed, bored and listless automation whose one desire is for violence in some form or other—violent action, violent sounds, distractions of any kind that can penetrate to its deadened nerves."

The evidence is that students want something more than what they are getting. It is evidence in abundance. Art and creativity are essential to human beings and should be central to education.

What we are attempting to get away from is that prevailing concept of education described by the writer, Peter Marin, in a now famous essay also published in "This Magazine," which said, "students are asked to put aside the best thing about themselves—their own desires, impulses and ideas—in order to 'adjust' to an environment constructed for children who existed 100 years ago, if at all."

The stimulus for setting up a pattern of change in that environment was provided by the Federal Government in 1965 with the passage of the Elementary and Secondary Education Act which engendered the beginnings of partnership between the arts and education. With funds available, the Office of Education began encouraging school systems and arts organizations to develop cooperative projects. In that same year, the Endowment was funded and we began to experiment with similar projects, some in cooperation with the Office of Education.

THEATRES FOR STUDENTS

For example, together we launched the Laboratory Theatre project in 1967, which enabled professional theatre companies in Providence, New Orleans and Los Angeles to provide live theatre to secondary school students at the same time the plays were being studied in the classrooms.

Then, in 1969, the Office of Education transferred $100,000 to the National Endowment for the purpose of placing professional visual artists in six secondary schools during the 1969–70 school year in California, Colorado, Florida, Minnesota, Missouri and Pennsylvania.

The program was directed by the Central Midwestern Regional Educational Laboratory (CEMREL). It was carried out with the cooperation of the six school boards who provided studio space, and otherwise incorporated the artists into the daily life of the schools involved. The school systems had been designated, after a good deal of work, by the Endowment, the Office of Education, CEMREL, and the National Art Education Association, your organization, to which we had gone for information and counsel. Local selection committees, working with the Endowment and with the advice of consultants, then chose the six artists.

SUCCESS FORESEEN

While the program was just underway when I became chairman of the National Endowment, it was clear from the beginning it would meet with success. Also, the reports on the endowment's own modest poetry in the schools program were equally gratifying.

In planning the Endowment's future role in this area, we had advice and assistance from many quarters, including the states, 40 of whom quickly responded by sending in proposals for a total of 11 million dollars! The Office of Education deliberated. The National Council on the Arts deliberated.

But, if you will forgive another personal aside, because I believe it accurately reflects, though in far too simple terms, not so much how my own thinking evolved, but the principle on which the artists in the schools program is based.

Some years before, I recalled my own utter frustration at the Rockefeller Brothers Fund when we tried to tackle on a research basis the problems of the arts and education. I cannot tell you the number of books we reviewed. I recall, too, the many conversations and meetings we had with many of you in this audience. All portrayed in elaborate phrases the importance of the arts, and in more elaborate detail the great expanse of frustrations being experienced.

Very simply, the artists in the schools program, says: "Let's stop talking and writing about how to put the arts meaningfully into our schools, let's just put some live artists in and see what happens. Let's call on the practitioner to help show us the way."

MANY PROJECTS

And this is what is being done this year with $900,000 Office of Education transfer funds, plus supplemental Endowment monies. There are projects involving some 300 professional artists working with teachers and students in schools in 31 states spread throughout 260 school districts.

Of course, not every single project is an unqualified success, but the response is overwhelmingly favorable.

It is my very great pleasure to join Commissioner of Education Marland in announcing today that the program will be continued for the 1971–72 school year and expanded into all 50 states.

There is another project, related to but not part of the Artists in the Schools program, that I would like to mention. It is the College Entrance Examination Board Advanced Placement Program in Art and Music, which the Endowment is funding jointly with the John D. Rockefeller 3rd Fund.

This is an innovative, and from our experience, a highly successful venture under which high school seniors of exceptional ability and promise are enabled, through the provision of college credits, to advance immediately beyond the introductory college courses otherwise mandatory for college freshmen.

There is a special session at the Conference on Tuesday at 10:30, devoted to the Advanced Placement Program and chaired by Kathryn Bloom of the JDR 3rd Fund which will provide more information about this exciting project. And in June an entire conference in San Diego will focus on a detailed examination of this new system which promises so much for the advancement of education in America.

But, to return to Dallas, you will shortly see the film, "See, Touch, Feel" which relates the experiences of three of the visual artists in the 1969 program in the schools, Don Coen, Mac Fisher and Charles Huntington.

GRATIFYING RESPONSE

We learned a number of heartwarming things from that first pilot project in 1969. We learned that as word of sculptor Charles Huntington's presence spread, students from other schools began to come in after their regular school hours. His effect on the faculty was no less profound.

The school in which Huntington taught was 90 per cent white. The school in which Mac Fisher taught was 90 per cent black. The response, in each case, was 100 per cent positive.

In Mac Fisher's school, in the inner city of Philadelphia, an open studio was maintained so students could visit at any time, for discussion groups or seminars or to experiment with materials. And, because there was a demand and need for it, the school administration let up on the rule prohibiting students from entering the building except to attend assigned classes. Eventually some 70 students were regularly taking an active part in studio activities. That is how a voluntary program should be.

As the school year drew to a close, Mac Fisher's students got together a petition to continue the artist and the project for another year. In part, it said:

"His room provides a good atmosphere in which the students can take pride. His value to the faculty and the betterment of the school has been proven by his overwhelming popularity from the time of his admission."

Mac Fisher, need I say, stayed on.

GOOD RAPPORT

Elsewhere, in a rural school setting outside Denver, artist Don Coen's pupils found his feeling for the natural environment so contagious that they decided they wanted to spread the feeling everywhere.

A teacher said: "I've been up there several times and the kids still sort of scatter when an adult comes in because that's the way you're supposed to do in school, you're supposed to scatter. But when the artist is there, the kids just talk to him, which is kind of neat, because if you really think about a school, there's no place to talk to an adult in school."

There is the experience of the poet, Kenneth Koch, who has been teaching poetry to third, fourth, and fifth graders in a public school on the lower East side of Manhattan. He had a student, Liza Bailey, now in the fifth grade, who has begun to teach poetry herself—to first-graders! It was her own idea. It was a good one, and it was accepted.

Mr. Koch, who is also a professor of English and comparative literature at Columbia University, has written a book about his experience called "Wishes, Lies and Dreams." A film with the same title has been made of Mr. Koch at work and at play with the children and it will be shown here at the conference at one of your film sessions.

NATURAL POETRY

In his book, Mr. Koch says: "This year's fifth graders, who have been writing poetry on and off since third grade, turn out poems as naturally as an apple tree turns out blossoms." That is the best answer I know to those who insist that children must have discipline and that artists do not have discipline. There are few things which require more discipline than the writing of poetry; indeed, the making of any art.

I'd like to quote a little more from Mr. Koch's book. His experience is so expansive. He says, ". . . The power to see the world in a strong, fresh and beautiful way is a possession of all children. And the desire to express that vision is a strong creative and educational force . . ."

His book is dedicated to Katherine Lappa, his teacher of English in his junior year in high school. Without her, he says, "I don't believe I would ever have written poetry. Or, if I had, it would have been much later and starting from much further back. She encouraged me to be free and deep and extravagant in what I wrote, so that I could find what was hidden in me that I had to say; and I think that now after all these years the main thing I have found to add to what she said was to say it to more children and to say it sooner."

How many poets like Koch, will come out of these classes? How many composers and painters and sculptors? Maybe only a few. But how many better educated human beings? Many.

Dr. Charles Dorn, former executive secretary of the NAEA, who served as an invaluable consultant to the Artists in the Schools Project from the early planning days, had some observations I would like to share with you because they go to the center of our program—which is to extend it so that it *will change our educational processes.*

OPTIMISTIC FUTURE

Looking to the future, a part of which is now at hand, Dr. Dorn said he had great hopes for the program if "those responsible for its development will look to the artist in residence model as something more than another method of tinkering with a school system. What should be most carefully noted are the positive applications of the working relationships which can be developed between artists and students as the greatest

plus factor in the development of educational programs."

That is what we are after.

The key to the Artists in the Schools program is that we are placing artists in the schools, artists to operate on their own—outside the structure of constricting curricula.

Chuck Huntington told me recently he would not participate in the program after this year. Why? He said, "I'm learning all the answers, I'm becoming an educator, not an artist. I'm no longer qualified to carry out the purposes of *this* program."

The hope is that the artists will open insights into the basic concepts of education and establish criteria for some fundamental and very much needed changes in curricula.

The idea is that art, by itself, is as important within the totality of education as mathematics, science, history and geography.

Moreover, the idea is that, properly engaged in, art experienced this way becomes a way of seeing, feeling and thinking that can serve as a gateway to other disciplines of thought and knowledge.

In closing, I will read a part of a poem by Marion Mackles, a third-grader in one of Kenneth Koch's classes:

> and I awoke and it was true
> I saw everything I saw
> sky of roses house of daisies a tree
> of orange a book of apple and
> I loved it all and I lived with it for
> the rest of my life.

A poet. A classroom. A child. A poem. An experience. A gateway.

THE GENOCIDE CONVENTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. SCHMITZ. Mr. Speaker, an interesting article dealing with the history of the Genocide Convention and the implications for the United States should it be approved by the Senate appeared in Combat magazine of April 1, 1970.

The Genocide Convention is thought by some to be an instrument which would aid in preventing the mass extermination of entire human groups, an admirable objective, and it is therefore held to be a treaty to which we should adhere.

Nothing could be further from the facts of the matter. The Genocide Convention as drawn does not protect those people in the Communist controlled nations who are actually subject to campaigns of mass extermination. This fact by itself would merely mean that this convention was useless. However, while the Genocide Convention does not protect peoples subject to Communist initiated liquidation campaigns, it does severely jeopardize the essential freedoms of the people of the United States.

Mr. Adolph Schweppe was chairman of the American Bar Association "Committee on Peace and Law Through the United Nations" in 1950 when the Bar Association first recommended that the Genocide Convention not be approved by the Senate. Mr. Schweppe recently detailed some of the concessions made by members of the U.S. delegation in the United Nations committee which drew up the Genocide Convention in the late 1940's that led to the ABA recommendation against approval of this treaty in 1950 and to their continued opposition to U.S. ratification.

Mr. Schweppe stated:

> The United States delegation consistently caved on important matters of principle, and in order to get some kind of an agreement—any kind—abjectly acquiesced in a draft that is so faulty and confused that it does not prevent genocide where it regularly goes on (Czechoslovakia, Hungary, Poland, Africa, Asia) but, in a welter of confusion, creates new international crimes (the treaty becomes the supreme law of the land) that will make endless troubles for the United States.
>
> The record shows that these United Nations committee meetings were a bit like the present negotiations in Paris. We were always making major concessions, the Communists none.
>
> Let me particularize a bit.
>
> As originally drafted, the Convention included "political" as well as "national, ethnical, racial and religious groups." The Soviets announced that they wouldn't play unless "political groups" were expunged from the draft. They insisted on preserving the right to assassinate and exterminate the political opposition as essential to the safety of the state. Interestingly, as the vote shows, they were joined not only by the satellite Communist countries but by a considerable group of Latin American countries. Result: the United States yielded, and "political groups" were eliminated from the draft.
>
> So now, notwithstanding wholesale extermination of political dissidents in Hungary, Czechoslovakia and Poland, for example, nobody charges Communist Russia with genocide. On the other hand, the United States is vigorously charged with genocide in the United Nations: You are familiar with the book "We Charge Genocide".
>
> Next, in the historical development of the Convention, United States representatives insisted that there be included in the definition of genocide the words "with the complicity of government," an obviously correct ingredient when related back to the Hitler massacres by Nazi Germany. But the Communists would have none of it, because their governments themselves are the active agents in dealing with dissidents. Result: this United States position was rejected and the United States acquiesced.
>
> In addition to acquiescing in the exclusion of "Political groups" and exclusion of the phrase "with the complicity of government," the United States representatives agreed to the definition that there must be an intent to destroy the groups actually named "as such," thus rendering the Convention meaningless. Soviet Russia and its cohorts could readily approve it. This hopeless weakness in the Convention has also been pointed out in an articles appearing in the Congressional Record for July 6, 1949, p. A4510.
>
> We also acquiesced in the injection of "part of a group." Thus genocide under this draft can now be committed under the draft treaty by a single individual against another single individual—now a *domestic* crime, but lifted by this convention to the level of an international crime, triable in the country where committed.
>
> Then our representatives acquiesced in injecting "mental harm" into the Convention, thus opening the way for a Pandora's box of claims.
>
> All in all, ours was a pathetic performance. Out came a convention that the Soviets could readily approve, and which surely will cause us, if it becomes the supreme law of the land (superseding state laws and constitutions and existing laws of Congress) endless trouble. Nobody will charge the Communists with Genocide; they are immune. But we will be, already have been, charged as fair game."

It becomes apparent that should this treaty be approved by the Senate the implications for our entire judicial process would be staggering. For example, take the case of Angela Davis, a Negro Communist currently being tried in California for complicity in the shotgun murder of Judge Harold Haley. If the Genocide Convention were in effect and Miss Davis were to be found guilty and have the maximum sentence imposed, the judge who sentenced her, the jury who found her guilty, the police officers who arrested her, and all the other officials involved in the case, could theoretically be brought before the World Court and charged with the crime of genocide.

Although this might seem a bit farfetched, charges of even greater scope have been leveled against the United States in the past. In 1951 a Communist front group charged the President of the United States, the Supreme Court, the Attorney General and the Department of Justice, the States and officials of Mississippi, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Arkansas, Oklahoma, and Texas with genocide against Negro Americans under Article III of the Genocide Convention.

A more recent attempt to bring charges of genocide against the United States in the United Nations took place last fall. A group with substantial Communist membership calling itself "The Emergency Conference To Defend the Right of the Black Panther Party To Exist" organized a massive petition campaign charging that—

> The Genocide Convention, specifically defined genocide as not only killing members of the victimized group, but also measures which, "cause serious bodily or mental harm to members of the group" and "inflict on the group conditions of life calculated to bring about its physical destruction in whole or in part." Do not the universally admitted facts as to treatment of non-white peoples in the United States fit these elements of the U.N. definition of genocide?

Although the facts do not coincide with the charges leveled, it is obvious that the danger of having the United States charged under the provisions of the convention is more than theoretical.

On the other hand, should the North Vietnamese Communists succeed in their efforts to subjugate the rest of Southeast Asia the Communists could not be held accountable under the Genocide Convention for exterminating the million or more South Vietnamese people who are currently on the North Vietnamese liquidation list. This killing would be done for political reasons, a provision of the convention which, as Mr. Schweppe points out, the Soviet Union was careful to have removed from the treaty.

There are other points which weigh heavily against the approval of this treaty by the Senate. The "mental harm" clause in the treaty opens the door for serious abridgement of our first amendment right of free speech. And, as the Combat article states, the convention has no statute of limitations and no prohibition against double jeopardy.

All things considered, the Genocide

Convention is worse than useless and quite possibly the most egregious treaty ever reported out of the Senate Committee on Foreign Relations. It is gratifying to find that five Senators voted against reporting it out.

The Genocide Convention does not prevent genocide where genocide is in fact occurring or likely to occur, it infringes on the U.S. right to try its own people, an essential aspect of national sovereignty, and strips us of some of our most basic constitutional rights. It must not be approved.

The Combat report follows:

THE LITTLE-KNOWN BACKGROUND OF THE GENOCIDE CONVENTION

A COMBAT REPORT

Almost 25 years ago American statesmen played a leading role in drafting a Genocide Convention, which seeks to prevent and to punish acts intended to destroy a national, ethnic, racial or religious group. With memories fresh of Nazi extermination camps, and even a few whispers of Soviet atrocities (e.g., Katyn Forest), Americans helped write it. The Convention was adopted by the United Nations on Dec. 8, 1948, and about two years later 20 UN member states had ratified the Convention and it then became effective. The UN is many times larger today, more than 70 nations have now ratified the Genocide Convention, but it is still something less than the law of the world.

The United States is the most prominent holdout, and an intensive propaganda campaign is underway to get the U.S. Senate to ratify it.

The Convention has languished in Senate pigeonholes for more than 20 years. Back in June, 1949, President Truman sent the Convention to the Senate for ratification. Hearings were held by a special subcommittee of the Foreign Relations Committee. Senate approval was recommended. But the parent committee, no doubt persuaded by other arguments and other judgments, failed to recommend ratification. There the matter has rested ever since.

President Nixon, fortified by a statement from Attorney General Mitchell denying Constitutional objections to the Convention, has asked the Senate once again for its approval. The chief prod to the Senate in the renewed Administration interest in the Convention has been Mrs. Rita E. Hauser, named by Nixon as U.S. representative on the UN's Human Rights Commission.

Besides Senate apathy in the face of Mrs. Hauser's incessant demands to get on with the business of ratification, she has also been stymied by the disapproval of the American Bar Association. The ABA has always taken a position against the Genocide Convention.

Despite its members undoubted abhorrence of genocide the ABA just recently rejected a recommendation that it urge the Senate to approve the Genocide Convention. The vote in the ABA's House of Delegates was close, 130 to 126, and it ran counter to the recommendations of the ABA's own Section of Individual Rights and Responsibilities. Chairman of the Section: Mrs. Rita Hauser. She says she will carry on: "The American Bar Association's views are important, but they do not make foreign policy in this country."

Opponents of the Genocide Convention generally argue that the wording of the Convention is so vague as to pose danger to even so basic a right as free speech, and that the treaty would open up U.S. citizens to trial and punishment not only in U.S. courts but by a "competent tribunal" of the nation in which it is alleged "the act was committed" or by an "international penal tribunal." Thus, U.S. prisoners of war might be tried in North Vietnam courts on charges of genocide, under color of the Convention. The treaty provides for no statute of limitation and contains no prohibition against double jeopardy, and facilitates extradition. Thus, accused Americans used to American standards of justice could be tried and punished in foreign courts years after the alleged genocidal acts or incitements, even if already cleared, say, by a U.S. court. If tried before an "international penal tribunal," there is no assurance that any of its judges would be trained in the English or American concepts of justice.

Critics of the Convention protest also that terms used in the treaty are broad and dangerously vague, especially when subject to the interpretation of foreign jurists and not protected by the U.S. Constitution and Bill of Rights. "National, ethnical, racial or religious groups" are not defined. What is "intent to destroy . . . in part" such a "group?" What causes "serious mental harm?"

The dangers are not theoretical. The United States has been accused of genocide before, by U.S. citizens, in a complaint to the United Nations.

Back in 1951 the Civil Rights Congress, an easily-recognized Communist front group, assembled a lengthy bill of particulars alleging the United States was engaged in a genocidal campaign against Negro Americans. Citing Article III of the Genocide Convention the petitioners charged with complicity in genocide: the President of the United States, Congress, the Supreme Court, the Attorney General and the Department of Justice, the states and officials of Mississippi, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Arkansas, Oklahoma and Texas, plus numerous individuals by name.

The Civil Rights Congress petition, submitted to the General Assembly, said it was tendered "on behalf of the Negro people in the interest of peace and democracy, charging the Government of the United States of America with violation of the Charter of the United Nations and the Convention on the Prevention of and Punishment of the Crime of Genocide."

The CRC petition, which fills a 200-page book, is a compendium of lynchings of Negroes in the U.S. Southeast, and elsewhere, along with citations of other offenses, some unquestionably brutal, illegal and unpunished. Many of the allegations, though, were unsupported, debatable, or irrelevant. It mattered not. The CRC was determined to prove in its brief that "central in the conspiracy to commit genocide against the Negro people of the United States is the Government of the United States. . . ." And so its UN petition exposed to the UN, for all to see, what they thought was the root cause of the problem.

"We have maintained," said the petitioners, "that monopoly capital is the prime mover in this conspiracy to commit genocide because of the [money] it derives annually from it, and because of the political and economic control it maintains though it. We have alleged that the Government of the United States is the creature of this monopoly capital. This is definitely proved by the fact that almost every key government post in the fabulously lucrative mobilization for war [the Korean War was then in its second year] is held by Wall Street representatives." There followed a list of government officials with Wall Street connections, which substituted for any proof that genocide was the natural result of Wall Street's desires to finance war and maximize profits.

The CRC's petition asked the UN General Assembly to declare the U.S. guilty of genocide against Negroes, to demand the U.S. "stop and prevent the crime of genocide," and to condemn the U.S. for failing to observe its obligations under the UN Charter and the Genocide Convention.

The petition was presented by the national executive secretary of the Civil Rights Congress, William L. Patterson, on behalf of 93 petitioners (see box). Patterson was at that time a member of the Communist Party, U.S.A., rising later to public leadership, and the petitioners included a number of other equally well-known Communists.

Patterson later argued, in an article in the CP's theoretical journal, Political Affairs, that since the Genocide Convention had been ratified by the required number of nations, the U.S. was legally bound to observe it "even without signing."

The petition to the UN was, admittedly, touchy. Uncle Sam was and is, after all, the UN's principal financial supporter as well as its host, and American citizens probably wouldn't idly watch the nation be politically decapitated, or even embarrassed. Remember, the alleged criminals included the President, the Congress, the Supreme Court, eleven states, to say nothing of those Wall Street financiers.

So the UN accepted the CRC petition. The Secretariat prepared a confidential summary for the Commission on Human Rights, and sent a copy of the petition along to the U.S. government. As if the U.S. government, legislative, executive and judicial branches, wasn't already aware of it—the Civil Rights Congress was flooding the country with tens of thousands of copies of it, waging a full-scale propaganda campaign around it. As it turned out in this instance, though, the whole matter of alleged genocide in the U.S. went no further. It was submitted to the International Court of Justice as demanded. No special "international penal tribunal" was convened. The rituals of paper-shuffling were observed and the petition was tucked out of sight on a shelf in the UN Archives where it remains today, like a ticking time bomb.

The 1951 genocide petition is almost forgotten now. But the charge of genocide is heard again, and again. The Black Panthers, who openly admit to a calculated campaign to kill police, conduct their war behind the protection of a propaganda barrage accusing police of waging a genocidal war against them. Panther attorney Charles Garry's famous claim that police had killed 28 Black Panthers reduced, upon examination, to only a handful, and in circumstances suggesting that in every case but one (currently under investigation) the action was begun by Panthers and the police were responding in undoubted performance of their duties as peace officers.

Over in Europe the late Bertrand Russell financed and blessed a "war crimes tribunal" that held stacked hearings in several cities, always arriving at a conclusion accusing the U.S. of genocide. Two international Communist organizations, the International Association of Democratic Lawyers and the World Federation of Trade Unions, also have accused the U.S. of genocide in Vietnam, and could—at a time convenient to Moscow—begin agitation to bring the U.S. up on charges.

A former judge of the International Court of Justice, Philip C. Jessup, recently bemoaned the fact that "there is not on this date a single case on the docket. . . ." Should the U.S. ratify the Genocide Convention it is possible that the business of the world court would pick up, and the U.S. might find itself on trial because the Convention is so easily subject to abuse by those who wish ill to the United States.

PEORIA CORRECTS THE RECORD

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. MICHEL. Mr. Speaker, my hometown of Peoria, Ill., has been in the

national news during the past few days, resulting from a story in the New York Times about Peoria being one of only a few cities in the country where the unemployment rate has gone down rather than up in the past year. Then, Mr. John Kenneth Galbraith had some comment about intellectual women and his advice that it was better for them to "live in sin" with a man rather than get married and let him take them off to live in Peoria.

The Peoria Journal Star edition of May 13, 1971, carries an editorial response to both of these issues and I ask that the editorial be placed in the RECORD at this point.

I include the article as follows:

A PUNCH AND A LICK

Peoria got it in both eyes this week.

The hardest punch came from the New York Times which in a half-way competent article gave its readers a somewhat distorted picture of Peoria.

Then all the way from London came a lick from the twiddling tongue of John Kenneth Galbraith, the philosopher-king.

It is, of course, difficult to see clearly with one eye blackened and the other rolled, but punch back we must. So here goes:

TO EDITORS OF THE NEW YORK TIMES

Next time you send a correspondent to Peoria, pick a man who can tell that Peoria's "red-brick city hall" is made of red sandstone, that "the winding river in East Peoria" is only a wide-spot in the Illinois River, and that those "scarlet azaleas" out on Grand View Drive are really only redbud trees.

Such a reporter might know the difference between writing that "crosses are being burned" in Peoria's South Side and the fact that on one night in one school yard one cross was found burning.

Such a reporter might have been able to plumb in some detail why unemployment declined in Peoria last year while it rose steeply in most of the rest of the nation.

There is still a story to be found by the Times here, but, please, don't produce another typical, worn-out cliche story about Peoria, "the symbol of Main Street normality" and home town of Fibber McGhee and Molly.

TO JOHN KENNETH GALBRAITH

You made a lot of people mad the other day when you unconsciously slurred not only all of the men of Peoria and Gallup, N.M., but almost all of the women of the world.

We know how much you love to spoof Presidents and intellectuals, but you should realize that your lofty wit is sometimes misunderstood by the little men and women who look up to you from places like Peoria and Gallup.

Most men, of course, agree with you when you say "very bright women" should preserve their careers by having "affairs" instead of marriages. Many of us would even go further and extend this license to have affairs even to women who aren't very bright.

Next time you're interviewed, please think about including women who aren't very bright in your scheme—unless you really want to hurt their feelings.

People who aren't very bright get their feelings hurt easily. You should know this.

But more important, men of "intellectual incompetence" who marry bright women and take them off to places like Peoria and Gallup simply are not capable of matching insults with you. It's not a fair fight.

So lay off of us, Ken. But keep up your fight to liberate women.

EXPERT OPINION UNDERSCORES NIXON ADMINISTRATION ERROR ON DEPRECIATION PROPOSALS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. VANIK. Mr. Speaker, the Nixon administration has persisted in its claim that the proposed multibillion-dollar change in depreciation policy can be carried out without the participation of Congress.

For the RECORD, I would like to introduce a memorandum prepared for the White House by a senior Treasury Department official. This memorandum presents the view that congressional action would, indeed, be required to abolish the reserve ratio test while shortening guideline lives.

(See exhibit 1.)

I would like to introduce for the RECORD seven statements from tax professors from across the country. These legal authorities have carefully examined the controversy, and have concluded that the President does not have the authority he claims to enact this expensive measure without the participation of Congress. Earlier, the extensive studies of Boris Bittker, Sterling professor of law at Yale University, and Bernard Wolfman, dean of the University of Pennsylvania Law School, were submitted for the record as well.

I believe that the considered opinions of these men underscore the error of the Nixon administration in encroaching upon the constitutional prerogatives of Congress with the depreciation proposals, which will cost the country some $36 billion in lost revenues unless withdrawn by the Treasury Department or invalidated in court.

The above-mentioned material follows:

EXHIBIT 1

MEMORANDUM TO THE HONORABLE PETER M. FLANIGAN, ASSISTANT TO THE PRESIDENT

This will set forth our initial conclusions as to the scope of our administrative authority in liberalizing depreciation allowances.

Our judgment is that we could reduce the existing "guideline lives" for newly acquired assets by as much as 20 percent without legislation if we retain the "reserve ratio test." We would then apply the reserve ratio test as if this additional shortening of lives had not occurred so that the benefits of this liberalization would be preserved but no greater benefits would be granted. This application would extend to persons presently using asset lives shorter than the guidelines so that they would have the same opportunity to reduce their lives on newly acquired assets (they are presently permitted, if I may oversimplify, to verify shorter-than-guideline-lives by demonstrating they do not violate the reserve ratio test). The liberalization would not extend to buildings or other real estate improvements, except certain special purpose facilities.

The revenue cost of this change would be $800 million in the first full year of operation increasing to $3.7 billion by the fifth full year of operation. Thus, the incentive effect builds up gradually. The average incentive effect is roughly equivalent to a 3.5 percent reduction in asset prices, being somewhat less for short-lived assets and greater for long-lived assets.

If it were desirable to create a greater initial incentive effect, we could also act administratively to permit a "three-fourths" year convention for the year of acquisition of such assets rather than our existing "half-year" convention. Under the existing rule, for example, all assets acquired in a year may be treated as if they were acquired on July 1, so that one-half of the first year's depreciation may be taken without regard to when the assets are actually acquired in the year. Under the "three-fourths" convention, we would instead treat all assets acquired during the year as if acquired on April 1. Our judgment, again, is that this is the limit of prudent exercise of administrative authority.

The average incentive effect of this change would be roughly equivalent to a 2.3 percent reduction in asset prices; here, however, the benefit is greater for short-lived assets and less for long-lived assets. The combined effect is comparable to a relatively uniform 6 percent reduction in asset prices. The revenue loss from both changes combined would be $3.0 billion in the first full year of operation increasing to about $4.9 billion in the fifth full year of operation. The loss from the "three-fourths year" convention alone in these years would be, respectively, $1.8 and $1.0 billion, but the changes reinforce one another when combined and result in a somewhat greater revenue loss.

We would recommend against implementing the "three-fourths year" convention alone; the sounder basis for exercise of administrative authority is in reducing lives while retaining the reserve ratio test, and we can better justify the change in convention as an adjunct of this change. We recommend that the change in lives be limited to new asset acquisitions to concentrate the incentive effect. We could arguably justify the difference on the ground that an increasing rate of technological advance justifies shortening lives for newer equipment coming on stream, although we have no clear proof of this. We do not propose to extend the change to real estate improvement because existing tax biases favoring real estate improvement make additional incentives undesirable. Further, it would increase the revenue cost $300 million in the first year and this would rise to $800 million in the fifth year.

We recall an oral commitment, by the Secretary or Ed Cohen at some stage in connection with repeal of the investment credit, to consult with the committees before liberalizing depreciation allowances. Thus, we feel that before any decisions are made, the matter should first be discussed with John Byrnes and Senator Bennett, then with Wilbur Mills and Senator Long, and if it then seems appropriate, with the Joint Committee on Internal Revenue Taxation. In effect, we would feel that they should have almost the equivalent of a veto power over any such liberalization.

You inquired whether these are the maximum we could do. The limits of our administrative authority in this area are very vague, and the limits outlined above are merely our judgment as to the extent we should go without legislation. We would, for example, have reservations as to our administrative authority to abandon the reserve ratio test completely without legislation. The reserve ratio test is the ultimate test of the propriety of the guideline lives for any particular taxpayer by reference to the pattern of his actual replacement experience, and thus it is the link to the usefull life concept of the statute. We probably could justify, however, some increase in the tolerance levels beyond the present 20 percent. This would relieve firms

or industries which presently have a longer replacement cycle than the guideline lives of the impact of the test for some additional period of time. Obviously, however, this does not create an incentive to modernize equipment or otherwise to make new capital expenditures; it merely provides tax relief for the affected firms or industries.

Many other combinations are possible. We have not, for example, excluded short-lived assets, as does the President's Task Force on Business Taxation. The Task Force recommends a 40 percent shortening of guideline lives except that no shortening would be provided for guideline lives of five years or less and no shortening to a life of less than five years would be provided. We, however, can see no less reason for stimulating investment in short-lived than in long-lived assets. The principal assets in the short-lived class are automobiles and trucks. As a practical matter, no taxpayer will shorten lives to less than three years, even if the option is available, because assets with a life of less than three years do not qualify for the accelerated depreciation methods. If you have any questions, please let me know.

JOHN S. NOLAN,
Acting Assistant Secretary.

NEW YORK UNIVERSITY,
New York, N.Y., April 26, 1971.

Re: Asset depreciation range system.
COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.

DEAR SIR: These comments relate to the proposed amendments to the Income Tax Regulations providing for depreciation based on asset depreciation ranges, as published in the Federal Register for March 13, 1971, 36 F.R. 4885.

My initial reaction to these regulations was that they went well beyond what the Treasury could do as an administrative matter. Recently, I have had an opportunity to go over Professor Boris I. Bittker's statement dealing with the Treasury's authority to issue these regulations. I have also examined the memorandum prepared by Covington & Burling in answer to Professor Bittker, and his response to that memorandum. This review makes even clearer to me the fact that these changes really cannot be made administratively.

I have also reviewed the statement of Professor Robert Eisner of Northwestern on the economic aspects of the proposals. That statement makes a strong case for the proposition that the depreciation range proposals are wrong as a matter of policy.

I urge you to reexamine your position with respect to the depreciation range proposals and, hopefully to withdraw them.

Sincerely yours,

JOHN Y. TAGGART,
Professor of Law.

CHAMPAIGN, ILL.,
April 22, 1971.

OFFICE OF COMMISSIONER
OF INTERNAL REVENUE,
Internal Revenue Building
Washington, D.C.

GENTLEMEN: I am writing to urge that the Treasury Department withdraw its proposed "Asset Depreciation Range System" regulations. As ably stated by Professor Boris I. Bittker in his comprehensive memorandum upon this proposal, there is a serious question as to the statutory authority for this action. In addition, there is a fundamental policy issue involved with respect to these proposed regulations which would provide by unilateral administrative action substantial tax relief for a special class of taxpayers.

In large measure, the effectiveness of our income tax is premised upon bona fide self-assessment. This in turn is premised upon public confidence that the income tax laws are administered fairly and equitably for all taxpayers without favor or discrimination. In my view, the proposed "ADR" regulations seriously undermine that confidence. I respectfully submit that a significant change in tax depreciation policy is a matter for Congressional determination.

Respectfully yours,

J. NELSON YOUNG,
Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 12, 1971.

Re: The asset depreciation range system.
COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.

DEAR SIR: These comments relate to the proposed Asset Depreciation Range System regulations that were published in the Federal Register on March 13, 1971.

TREASURY AUTHORITY TO ISSUE THE PROPOSED REGULATIONS

I have read the statement recently submitted to you by Boris I. Bittker, Sterling Professor of Law at Yale University, in which he concludes that introduction of the ADR System exceeds the Treasury's authority in several respects. I endorse Professor Bittker's reasoning and views. Like him, I have considerable doubt as to the Treasury's authority to issue the proposed incentive-oriented Asset Depreciation Range System regulations for newly acquired assets. Adoption of the ADR System is a decision that should be made by Congress.

LEGAL PROBLEMS WILL LESSEN INCENTIVE EFFECT OF PROPOSALS

To the extent that the business world is advised by its tax lawyers that the legality of the ADR regulations is in doubt—and I believe there will be substantial advice to that effect—the Administration's incentive objectives will not be achieved. Firms are unlikely to invest in new assets which would not otherwise have been acquired if they are uncertain about obtaining the depreciation advantages offered by the proposed regulations. While the regulations would therefore not motivate additional new investment, any investment which occurs in qualified assets will nevertheless cause a revenue loss.

THE PROPOSALS WILL CREATE ADMINISTRATIVE PROBLEMS

To the extent that the Commissioner's power to discriminate against preexisting or foreign assets is doubtful, it may be anticipated that some if not many taxpayers will claim that the ADR System must apply to existing and foreign assets as well as to newly acquired ones. The potential revenue loss and administrative headaches which will result from such claims are not lightly to be ignored.

CONCLUSION

The proposed Asset Depreciation Range System regulations should be withdrawn.

OLIVER OLDMAN,
Professor of Law,
Director, International Tax Program.

INDIANA UNIVERSITY
SCHOOL OF LAW,
Bloomington, Ind., April 16, 1971.

COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.

DEAR COMMISSIONER: I have recently had an opportunity to read Professor Bittker's memorandum concerning the Treasury's Proposed Regulations on liberalized depreciation—the ADR system. I agree completely with the memorandum and urge you to withdraw the regulations.

The power of Congress to determine tax rates has been jealously guarded throughout our country's history. The Executive has sought power to adjust tax rates on many occasions and it has not been granted except in the recent Interest Equalization Tax provisions and except as incident to the Treaty making power. It is clearly illegal for the Treasury to vary the tax rates for one sector of the economy without an explicit grant of authority. There is certainly no doubt that an arbitrary variation in the rules governing deductions for depreciation is a rate adjustment, as the percentage depletion deduction and the corporate dividends received deduction demonstrate.

There is also at stake an issue beyond problems of taxation. Agency rule-making is a growing phenomenon which is of vital importance in our society. Irresponsible rule-making, such as the ADR proposals, can only set back the development of a legitimate rule-making function for administrative agencies and bureaucracies.

Thank you for your consideration of this matter.

Yours truly,

WILLIAM D. POPKIN,
Assistant Professor of Law.

THE UNIVERSITY OF WISCONSIN
LAW SCHOOL,
Madison, Wis., April 26, 1971.

Re: The asset depreciation range system.
COMMISSIONER OF INTERNAL REVENUE,
Washington, D.C.

DEAR SIR: I wish to record my strenuous objection to the proposed regulations (published March 13, 1971) that would adopt the so-called Asset Depreciation Range System.

I have long been impressed with the writings of Professor Robert Eisner. As long ago as 1959, in his trenchant article in the Tax Revision Compendium, Professor Eisner exposed the fallacies underlying the claims that the Secretary of the Treasury has recently made for the Asset Depreciation Range System. His conclusions then, and in his letter to you dated April 12, 1971, specifically relating to your ADR proposals cannot be faulted. It is clear, therefore, that the billions of dollars of revenue that will be lost through the ADR can much better be used in any of a number of other ways.

I have also read with care the legal memorandum submitted to you by Professor Boris Bittker. I fully agree with his conclusions concerning the impropriety of attempting to bypass Congress on an issue involving such drastic changes in the law and such great economic consequences.

Sincerely,

WILLIAM A. KLEIN,
Professor of Law.

COMMENTS ON TREASURY'S PROPOSED SUBSTITUTION OF COST RECOVERY ALLOWANCES FOR DEPRECIATION

(By Charles Davenport)

The President's recent announcement of certain changes in the administration of tax depreciation raises a number of serious questions. The questions are serious because the President proposes to give annual tax relief ranging from $800,000,000 to $4.7 billion over the next decade, through an executive decision to change depreciation of business assets. But some of the questions would be just as serious if smaller amounts of revenue were involved.

In view of the care Congress exercises in dealing with tax matters, should the President unilaterally burden our revenue raising process with the task of stimulating economic growth? What kind of an impact does the device chosen by the President have on various taxpayers? Is there solid evidence which indicates that the device chosen is likely to achieve the desired result? What impact does all this have on the science of government?

After first describing the new rules and discussing some of the accompanying rhetoric, this paper deals briefly with these questions.

WHAT THE NEW RULES DO

The new rules deal with depreciation of business machinery and equipment. Historically, depreciation has been a technique of

allowing a taxpayer to recover from business revenue the cost of assets used in the business, *over the period of use by the taxpayer.*[1] The new rules will modify this technique as described below.

1. The establishment of a capital cost recovery allowance (herein of asset depreciation ranges)

At present, the Internal Revenue Service employs a so-called guide-line life under which taxpayers are permitted to write off assets in accordance with a schedule which prescribes useful lives for very broad categories of assets. The taxpayer who chooses to use this method must, however, demonstrate that his asset retirement and replacement practices are consistent with the use of that life. Except for tolerances built in for administrative convenience, depreciation in any one year may not exceed that produced by reference to the period for which taxpayers actually use their assets.

Under the Treasury announcement, there would be no need for a taxpayer to demonstrate consistency between his depreciation practices and the actual useful life of his property. Instead, the Treasury would prescribe a range of lives for broad asset categories, and the taxpayer may use any life in that range. For example, let us suppose a taxpayer who buys an asset which he can reasonably expect to use for a ten-year period. Let us also suppose that the asset has a guideline life of 10 years. Under existing rules, the taxpayer must depreciate the asset over the 10 years of expected use. Under the new system, the taxpayer may pick any life between 8 years (20% less than the present guideline life of 10 years) and 12 years (20% more than the present guideline life of 12 years).[2] He could write off the cost over the life selected by him, and the Internal Revenue Service would not be permitted to question whether this write-off was at all consistent with the taxpayer's retirement and replacement practices. A taxpayer could do the same even if he thought that he would use the asset for 20 years.

This is a wholly new concept of depreciation because it permits a deduction measured by an arbitrary schedule rather than by the taxpayer's anticipated use of an asset. It is often called a capital cost recovery allowance and is said to be in use in other industrialized tax systems. In this country, however, such a system has not been considered generally appropriate because it has no relation to economic income, and for the most part, our concept of taxable income is built on economic income.

2. Elimination of the reserve ratio test

Part and parcel of this wholly new capital cost recovery allowance is the elimination of the reserve ratio test. The reserve ratio test is a procedure which tests whether the taxpayer's retirement and replacement practices are consistent with the depreciation deductions he claims, i.e., whether his depreciation is consistent with his actual use of assets. But such a device has no place in a cost recovery allowance system because in such a system the deduction is allowable without regard to the period of asset use. Thus, the elimination of the reserve ratio test is a necessary second step in shifting from a depreciation system to the capital cost recovery allowance system.

3. Elimination of salvage value

The taxpayer will also be given the alternative to disregard salvage value in computing his depreciation allowances. No asset may be depreciated below its salvage value, however. The message carried in this apparent double talk boils down to a further acceleration of depreciation. Thus, if a taxpayer today were to buy an asset for $10 which had a $2 salvage value, the depreciable amount would be $8. The amount of annual depreciation would be determined by applying a depreciation rate against the $8.[3] This would continue until such time as the entire $8 had been written off. Under the revised method, the depreciation rate (as increased by the new system) will be applied to $10. However, the depreciation must cease entirely when the full $8 has been depreciated. The effect of course is to advance the time that the depreciation is claimed.

4. First year convention

In addition, there will be an alternative to the present convention concerning depreciation in the year that an asset acquired. At present one half of a full year's depreciation may be deducted in the year in which the equipment is placed in service regardless of whether the asset was acquired in January or December. Under the convention prescribed in the announcement, a full year's depreciation on assets acquired in the first half of the year may be taken. Assets acquired in the second half of the year will continue to qualify for one half year's depreciation.

One can compare the new system to the present convention by assuming that asset acquisitions and their costs are relatively uniform throughout the year. As so viewed, the existing rules may be looked upon as allowing one-half of a year's depreciation for all assets bought during the year. Using the same assumption, the new convention would allow three quarters of a year's depreciation on all of the assets purchased in the year. The result then is to allow an additional one-quarter of a year's depreciation on the taxpayer's asset acquisitions for the year.

5. Conclusion

These then are the things which the President has stated he has approved. The net effect of them is to accelerate the taking of depreciation deductions. Under the announcement, in 1971 depreciation deductions will be greater by about $6.0 billion. By 1976, annual deductions would be about $9.1 billions over what they would if no change were made. Nearly all of these increased deductions will be claimed by corporations. For the most part, these additional deductions will not result in reduced depreciation deductions in the future. A simple example will demonstrate this effect.

Let us suppose a taxpayer who has 5 assets each costing $100. Each has a useful life of 5 years, and the taxpayer replaces one each year. His current depreciation is $100 per year.[4] In the first four years of the new system, he will claim total depreciation deductions of $450 rather than $400, or $50 more than now allowed. In the fifth year, his deductions under the new system will be $100 for that year and each year thereafter until he ceases his asset purchases or the new system is repealed. He will thus have had an extra $50 of deductions which will not be recovered by the Government until asset acquisitions cease or until the new system is eliminated. The new rules thus do not simply defer tax. Rather there is a permanent revenue loss.

RHETORIC

The President's statement contains a number of misleading assertions.

1. Lack of authorization of the statute

Implicit in the President's statement is the assumption that the Internal Revenue Service is authorized by the statute to make the announced changes. The claim is that the statute authorizes a reasonable allowance for depreciation; that the Department of Treasury is authorized to prescribe means of ascertaining a reasonable depreciation allowance; and that the system outlined in the announcement is just such a means. The difficulty with this argument lies in the last step. The capital cost recovery allowance produced under the announcement does not result in a reasonable allowance.

In the past, a reasonable allowance for depreciation has been measured by spreading the cost of a depreciable asset over the number of years it was to be used by the taxpayer. Once the pertinent period was ascertained, there were a number of methods by which specific amounts were allocated to different years during this period. In all cases, however, the assumption was that the total cost was to be allocated over the reasonably anticipated period of use of the asset.

Under the technique announced by the President, this assumption that asset cost is to be distributed over the period of use by an individual taxpayer disappears. Rather, the cost of assets may be written off over a period designated by the Treasury. The new scheme amounts to a license to the taxpayer to write off over a stated period the cost of an asset without any relation to his investment and replacement policies. This technique will not yield a reasonable allowance for depreciation except accidentally. For example, for taxpayers who would normally use an asset for 10 years, the ability to write its cost off against income in, say, a 6-year period will not yield a reasonable allowance. In the first six years the allowance is excessive. In the last four years there is no allowance. Since we know ahead of time that these results will occur, the allowance is not reasonable during either period. The system thus is not designed to yield a reasonable allowance and thus is not authorized by the statute.

Indeed the President himself notes that the announcement was based upon the product of his Task Force on Business Taxation. In its report, dated September, 1970, the Task Force recommended that the present depreciation system be scrapped in favor of a so-called cost recovery allowance. It had recommended using periods shorter than the guidelines by 40%. The President did not adopt the 40%, instead he went to 20%, but in other respects he adopted the recommendation of the Task Force. With respect to whether or not such a change can be implemented by Executive fiat, the President's own Task Force stated as follows:

". . . [S]ince the shift from depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute."[5]

The American Bar Association has made similar recommendations, also noting that legislation was required.

As late as last July the Treasury itself thought it was so constrained.[6]

2. Lack of historical precedents

The announcement argues that sound depreciation reform to create jobs and growth has a long history of bi-partisan support. This assertion is followed by a discus-

[1] This example assumes that the taxpayer is using straight line depreciation. If he is using a declining balance method of depreciation, the rate is applied to the full cost without reduction for salvage value. Thus, the elimination of salvage value will not be of benefit to those who are using a declining balance method of depreciation.

[2] The President's January announcement and that by then Secretary Kennedy did not include the so-called "repair allowance." That was not revealed until the proposed regulations. The remarks made herein are not directed toward that allowance. It, however, appears to be more of the same.

[3] *Business Taxation,* Report of the President's Task Force on Business Taxation, September, 1970, at p. 29.

[4] Tax Depreciation Policy Options: Measures of Effectiveness and Estimated Revenue Losses, (CONGRESSIONAL RECORD, vol. 116, pt. 20, p. 25684.)

sion of the depreciation changes made in 1962. Apparently, the purpose is to imply that the changes have a historical precedent in the changes made in 1962. There is no warrant for such implication.

Prior to 1962, gains resulting from the sale of depreciated machinery and equipment were usually reported at capital gain rates. This had led the Treasury to be very cautious in the setting of estimated useful lives because depreciation could be deducted against ordinary income, and if excessive, the gain represented by such excessive depreciation would be reported as capital gain on sale. However, Treasury's caution in allowing depreciation rates created substantial controversy, largely because some taxpayers thought rates allowed by the Treasury were not consistent with their use, and procedurally taxpayers had difficulty in establishing that their depreciation rates were consistent with their investment policies. Recognizing a need to eliminate needless controversy, Treasury surveyed the business community and ascertained that business would not oppose legislation to eliminate the reporting of depreciation gains as capital gain if greater flexibility was granted in setting depreciation rates. While this legislation was pending, in testimony before both the House Ways and Means Committee and the Senate Finance Committee, Treasury promised to revise its procedures for reviewing taxpayer's depreciation rates. This promise was kept by promulgation of the guidelines in Revenue Procedure 62–21.[5] Several observations are in order.

This Procedure simplified the grouping of assets, and the guideline lives were purposefully set at levels which were below those which had been considered normal when examining depreciation deductions. The purpose was not, however, simply to shorten lives for tax purposes for all taxpayers. Instead, it was intended that taxpayers who had already adopted or who desired to adopt an investment and replacement policy which resulted in below average replacement period should not be penalized by having to justify their use of shorter lives under prior procedures. However, taxpayers were warned that if they departed substantially from the actual lives, or if they used the guideline lives, or other shorter ones, they would have to satisfy the so-called reserve ratio test. The reserve ratio test is an automatic device for testing whether the taxpayer's retirement and replacement policy is consistent with this claimed depreciation rates. In order to prevent any hardship during the period of transition, it was announced that there would be a three-year period during which the reserve ratio test would be assumed to be met. Thereafter, it was applicable.

The mere re-counting of the 1962 changes shows the striking contrast to the recent change. In 1962, there was an effort to improve depreciation as it has been computed historically. There was concern that some rates were too low, and taxpayers were given the authority to shorten lives if *they could thereafter demonstrate* that the shorter life was consistent with their investment practices. This reform was promised both to Congress and the business community while remedial legislation was being considered. In contrast, the recent action is an abandonment of the historically used system and will institute a wholly new system under which depreciation need not have any relation to actual retirement and replacement practices of the taxpayer.

3. The deferral of taxes

The second claim is made that the liberalization of depreciation allowances is essentially a change in the timing of a tax liability. The implication of this claim is that ultimately the taxes will be paid. In a few instances, the claim is true. However, in the majority, so long as the particular taxpayer does not lessen his capital investments, the taxes which are deferred by excessive depreciation charges will never be repaid. While an earlier example illustrates the point, it can be made in another way. Current depreciation on an asset is increased at the cost of lessening depreciation at some future date. When that future date comes, however, increased depreciation on other more recently purchased assets will be greater than the loss on older assets. Thus, one continually uses tomorrow's depreciation against today's income. There will be nothing to borrow only when the taxpayer ceases to make investment at his current rate.

This result is confirmed by the revenue estimates with the news releases. By 1980 there will continue to be an annual revenue loss of some $2.8 billion.

4. Revenue loss

The claim is made that there will be little or no revenue loss because the incentive given will stimulate the economy which will result in greater incomes for some which will lead to greater revenue collection by the Federal government. All of this could be true but it may not be. The new depreciation policy favors certain investments. Such favorable treatment could result in greater aggregate investment, but it need not. The result might be merely to switch investments from assets which are not favored under the announcement to those which are.

But even assuming that there is some net increase in investment, this method of priming the pump, so to speak, must be compared to other things that the government could do to increase economic activity. There are many kinds of alternatives. The government could spend an equivalent amount on education by agricultural subsidies, or it could distribute the dollars to all taxpayers by cutting taxes or allowing credits against the tax. All of this would put dollars in the hands of taxpayers who would then presumably pass these dollars on to other people and thereby stimulate the economy. Many of these optional ways of stimulating spending would appear to be more effective than the depreciation proposal. However, under these alternative spending programs, the dollars spent would be treated as real expenditures and would be treated as a real cost even though they thereby stimulated the economy and produced greater tax revenues. The cost of the depreciation changes is just as real although it is reflected only by decreased tax collections. The question still is what is the gross revenue loss.

TAX POLICY

Perhaps before setting out to review the changes in light of tax policy, the criteria for testing should be established. Largely they are a single one, first espoused no later than the *Wealth of Nations*. Does the tax fall equally on persons similarly situated? If it does not, can the deviation from the desired norm be explained by any principle internal to the administration of the tax law? Put in other words, the burden of justifying uneven tax burdens is on the proponent if other feasible means of establishing his goal are available.

When examined from this bias, the announcement raises a number of questions. The rules will push depreciation deductions to earlier years in the lives of the assets involved. Put another way, the amount of deductions which a taxpayer may take with respect to his depreciable assets will be greater in the early years of their useful lives. An increased deduction has a tax benefit equal to the amount of taxes it saves in the current year discounted for the period elapsing until the taxes are paid. Since, as we have seen, most of the tax savings will be perpetual, there will be no discount. But whether perpetual or short term, the tax benefit for individual taxpayers will depend on the amount of new investment, the degree to which depreciation is accelerated, and the taxpayer's tax rate. We know these vary. Thus, we know the benefits will vary. Some of these variations are discussed below. All of them will result in uneven tax burdens. There is no justification for this uneveness.

1. Greater benefits to the high bracket taxpayers

Any acceleration of a deduction means more dollars to a high bracket taxpayer than it does to a low bracket taxpayer. This follows because the same dollar deduction will yield a greater reduction in taxes to a high bracket taxpayer than it does to a low bracket taxpayer.

Supporters of the changes may attempt to answer this argument by claiming that there is very little bracket graduation because the principal beneficiaries are corporations. In large part, this assertion is true, but not all businesses are corporations. Some are individuals in the 70% bracket. Others are individuals in much lower tax brackets.

Furthermore, even if all businesses were corporations, there still are rate differences which mean deductions will have different benefits to different taxpayers. Most corporations are taxed at only a 22% rate, but the larger ones which report by far the preponderance of corporate income are taxed at a nominal 48% rate. These differences in rates are legislated by Congress, and are inherent in the system of taxation. In addition, some corporations will have tax loss carryovers which will insulate earnings for a substantial period of time. They will be paying no taxes without the increased depreciation allowances, and they will not benefit from the rules.

The overall result of the acceleration of deductions is to favor those who would otherwise be paying a high rate of tax on the income which is shielded by the higher depreciations deductions.

2. Certain assets benefited

Assets which have lives of from between 10 to 20 years will be proportionately benefited more than assets having shorter lives under all of the changes mentioned above other than the so-called full year convention. This results because an acceleration of deductions on a 20 year asset to 16 years deductions otherwise allowable in the last four years. Such remote deductions have little value, and by accelerating them to the first 16 years, their value is greatly enhanced. On the other hand, if a five year asset is involved, deductions which would otherwise be allowed in the fifth year are accelerated. These deductions already have a relatively large value, and acceleration does not increase their value as much proportionately.

The full year convention has the effect of speeding deductions by approximately 3 months. Obviously, such acceleration is greater proportionately for an asset of 5 years than for an asset having a 10 year life.

3. Benefits are distributed unevenly

Taxpayers will either receive no benefits, be penalized, or be benefited by the change. To those taxpayers whose lives for assets is that prescribed under the announcement, no tax benefit is derived. For most taxpayers whose situation would not be in accordance with the shortened life, tax benefits and penalties will result. If the taxpayer's actual life is longer than the period prescribed, he obtains a tax benefit. Those who are using a shorter life than the new period not only obtain no benefit from the change but are disadvantaged with respect to competitors who do benefit from the change. There is no way of avoiding this problem. Even if the periods for the allowable cost recovery were so short that the depreciation deductions of all taxpayers were increased, the degree of benefit to the individual taxpayers would

[5] Revenue Procedure 62–21, 1962–2 C.B. 418.

nevertheless vary to create the inequalities which are discussed here.

4. The least deserving taxpayer is helped

The taxpayer who receives the greatest benefit by using the cost recovery allowance is the one who in fact has the longest life for his depreciable property. For example, if the current guideline life for an asset is 15 years, under the announcement the Service will accept 12 years. But a taxpayer owning such an asset today may be using it 20 years and depreciating it over that period. Another taxpayer may be using and depreciating a similar asset over 15 years because it accords with his actual use. Under the new rules both may use 12 years. The taxpayer who has a 20 year use has had his deductions accelerated by 40% while the other taxpayer has had his accelerated by 20%. The one who has the longest actual life for his depreciable property is the one who has followed an unprogressive replacement policy. This taxpayer receives the greatest benefit although it seems unlikely that he is the more deserving individual.

5. Certain industries benefit

Some industries are obviously more capital intensive than others. If an industry is required to acquire a lot of capital goods in order to produce its product, it will receive greater benefit from the increased depreciation rates than will those that are not so capital intensive. There is no principle of tax policy which permits the capital intensive industries to be preferred over those which require less capital for operation. Indeed, in some of the transportation industries which are highly capital intensive, it is suspected that the benefits will be so great that the industry itself will not be able to use them. If an industry cannot use the benefits conferred upon it, it will undoubtedly find some way to sell those benefits to those outside the industry who can make use of them in filing their own tax returns.

6. Helps those with salvage value

The ability to disregard salvage value is a benefit only to those who have assets which have a salvage value. If the taxpayer has been consuming his assets to the point where they have no value when they are retired from use, he gains no benefits under this new rule. On the other hand, if he turned over his assets relatively quickly so that there always is a salvage value, he will obtain benefits.

7. Rule is not likely to be changed

The benefits realized from an acceleration of depreciation are realized over a time pattern which will render repeal difficult. Earlier we established that acceleration of deductions amounts to borrowing tomorrow's depreciation to offset today's income. For some period following commencement of this practice, depreciation is excessive because earlier asset purchases yields normal depreciation while subsequent purchases yield borrowed depreciation. The total of these two is in excess of what accurate depreciation would have yielded. But this excess comes at a price. At some point, there will be assets yielding inadequate depreciation because it was borrowed in earlier years. At that point, the taxpayer may be able to achieve normal depreciation on his total assets because he borrows future depreciation on his younger assets. However, if we tell him he can no longer borrow from newly acquired assets and restrict him to proper depreciation on them, his depreciation on earlier purchases will be inadequate, and he must now begin to repay the earlier borrowed depreciation. The borrowed depreciation is just like borrowed money. In the year of repayment, the taxpayer has less funds than he would have if no borrowing had occurred.

This point my be illustrated by returning to the taxpayer who has 5 assets having a useful life of 5 years and costing $100 each. In the first four years under the new system he obtained an additional $50 of deductions. If the new system were eliminated, in the four following years, his depreciation deductions would be $50 less than they would have been had the new system never been implemented. In those years he must repay the depreciation he borrowed earlier.

Because such a consequence would likely have a very serious economic impact, there is little likelihood that the new rules will be eliminated.

8. Politicizing the Internal Revenue Service

The Internal Revenue Service is charged with the responsibility of administering the Federal income tax. One of its functions has been the promulgation of regulations either as directed by Congress or to provide interpretation of a complex statute. From time to time, these regulations are changed. Often the new interpretation is controversial. In the past the Service has pretty largely refrained from entering the political arena. That is to say the changes in regulations have proceeded from changes in statutes or cases related to the statute.

The depreciation proposals are quite different, however. They represent one political solution to a very serious economic problem. The solution is a unilateral Executive decision having no relation to the purpose of the statute. Rather the purpose is to increase the annual purchasing power of the business community by $4.1 billions.

This action raises a question whether an administrative agency having vast responsibility for a complex and detailed statute can successfully engage in the dispensation of economic incentives. Having once strayed from its purpose can it be brought back? This question would be present even if there were complete agreement that the action was appropriate. But where there is substantial doubt about the propriety of the action, the institution itself is seriously weakened. Will it not lose its credibility as an administrator of a technical body of law? Will not all of its decisions ultimately be suspect as "political" rather than "legal"?

9. Conclusion

We must conclude that the proposed changes in depreciation are not good tax policy. Rather than assisting in reaching a goal of equally taxing similarly situated persons, the changes assure us that similarly situated persons will be taxed unequally.

ECONOMIC POLICY

Some have defended the action on the grounds that the new depreciation rules will spur investment in capital goods which will obviously mean more jobs. This, however, is an improper standard by which to test the action. There are many ways to stimulate the economy, and the pertinent question is whether the distribution of this amount of funds, $2.6 billions in 1971 but rising to $4.1 billions in 1976, could not be more effectively spent in other ways. While it is of course impossible to estimate the amount of economic activity which will be generated by the changed rule, a number of factors seem to stand out.

First, the potential revenue loss is estimated on the approximate estimates of capital spending in 1971 without regard to economic stimulation resulting from the change. In other words, the revenue estimators assume that there will not be increased capital spending as a result of the stimulation. Second, the benefits are granted not just to those who respond to the incentive but to those who would have invested in any event. To such a person the benefit is not an incentive. It is a gift. The overall result is to fritter large sums in an ineffective way even though some would say such waste is necessary for "fairness."

Third, the experience with the investment credit indicated that the response to it was a greater investment in assets which qualified to receive the credit. This diverted investment from structures (which did not get the credit) into machinery and equipment (which did). If this change has approximately the same effect, and one can expect that it will, as an investment credit, some of the investment in assets which benefit from the change in rules will mainly be shifted, for example, from short-lived assets to long-lived assets because they obtain larger benefits. Investment which would have otherwise gone into houses will be shifted to machinery and equipment. To the extent that investment is diverted from what would have been a more efficient use, absent the new rules, the policy is not only wrong but it is also self-defeating because it will offset the incentive felt by others.

Fourth, *in terms of long-range policy*, it is not apparent that the so-called incentive effect, if there is any, of these new measures will be considered beneficial. Indeed, under the investment credit, we found that the investment credit necessarily had to be suspended in 1966 and repealed in 1969. In both cases, the belief was that economically the incentive tool had overdone its job. We might reasonably soon conclude that the incentive in this case has overdone its job. However, it is suggested that the incentive in this case cannot be reversed. As noted above when discussing the tax policy aspects, the reversal of policy here would have a severe restricting influence on purchasing power over one cycle of asset lives. Thus, the operation of it would likely be much more haphazard and harder to predict than a mere turning off of the valve. This argues for the proposition that this innovation will be permanent and that there will be no way to reverse it when additional purchasing power is no longer needed by the business community. Furthermore, history tells us that depreciation reforms have nearly always liberalized, rarely tightened, depreciation deductions.

Fifth, there is a large bias here for capital intensive industries. It seems hazardous to base one's estimation that the current economic slump is based largely on declining purchases of capital goods, particularly when manufacturing capacity is now at 75% of capacity.

Finally, and most importantly, the question which must be answered is whether a bigger payoff could have been achieved by spending the same amount of money for other purposes. Suppose that the President had been authorized merely to take $2.5 billion in the form of dollar bills and scatter it among the streets where it will be picked up by people and spent. The question is whether or not this money spent in this fashion would not result in a bigger economic payoff. Obviously, such a course might not be politically sound in a number of quarters, but alternatives which do exactly the same thing might be suggested. Suppose, the President had been authorized to lower taxes in the lower income brackets by $2.6 billion. It is obvious that in the lower income tax brackets, all of this $2.6 billion would be spent in consumer goods. Yet the corporate beneficiaries may decide merely to pay higher dividends rather than make additional investments. Such dividends might be consumed but likely not as high a proportion as if distributed to lower incomes.

We must conclude then that there is not any apparent body of economic policy which argues that the change in depreciation allowances is the best expenditure of $2.6 billions.

POLITICAL SCIENCE

Finally, one must question whether or not this action represents what one might describe as good government. This question can be put in focus if one recognizes that the Executive Department has made a unilateral decision to spend $2.6 billion in the

current calendar year. Very shortly, this amount will rise to an expenditure of $4.1 billion in each calendar year. The question is whether or not the President should take upon himself the initiative to spend this amount of funds and to do so without consulting Congress.

One must couple that question with a second one. Should the executive be able to make a choice as to whom is to receive the benefits of the $2.6 billion? And is the executive entitled to decide unilaterally that the economy is slumping because corporate taxes are too high? Should this decision then be carried to solution without approval of Congress?

Instead of discussing this matter with Congress, we are told the President consulted with his Task Force on Business Taxation. The Constitutional standing of that group is not specified. It consisted of businessmen, lawyers, accountants, economists, a former United States Senator, and two former secretaries of the Treasury, all exceedingly capable men. Very few, however, could be said to represent the public view. Their recommendations were predictable: the business tax rate is too high. But isn't the individual tax rate too high also?

The President recalls that the Tax Reform Act of 1969 cut taxes for individuals by $7 billion. One notes only that this was an act of Congress which was considered for a long period of time by the House Committee on Ways and Means, the Senate Finance Committee, and by both Houses as a whole. It was signed into law by the President. At the same time, the Administration recommended that the taxes on corporation, the major beneficiaries of the present tax benefits, be reduced in a two step process from an effective rate of 48% down to 46%. That recommendation was deliberated and rejected.

At hearing on the Tax Reform Act of 1969, the two point reduction in corporate taxes was estimated to cost somewhere between $1.4 billion and $1.6 billion. Based on those figures, the present change can be restated as having the same revenue effect as a reduction of nearly 4% in the corporate tax for 1971. In 1976, the total tax reduction would amount to approximately 6%. If these benefits were distributed evenly to all corporations, this change by the President is an administrative action which has the effect of reducing the nominal tax rate on corporations from 48% to 44% in 1971 and finally to 42% by 1976. Is there any doubt that such a program could not be legislated? Is the President attempting to do by the back door what he could not drive through the front door of the Congressional legislative committees?

The re-phrasing of the depreciation change as a reduction in the nominal corporate tax rate is useful for another purpose. One recalls that President Kennedy once suggested that the Executive be given authority to raise and to lower the corporate business tax rate as the economy required. Congress took no action on the proposal, and many fulminated against it on the ground of vesting too much authority in the Executive.

The recent action with respect to depreciation is strikingly similar to a lowering of the tax rate. Certainly, if the President is not to be trusted with the power to create jobs, promote economic growth, and increase competitiveness of U.S. goods abroad through the lowering of the tax rate, he should not be empowered so to do by a change in depreciation rates. But even if the statute so empowered the President, the exercise of the power is questionable where Congress has refused to reduce corporate taxes.

In a sense, the President is going Congress one better. Because he has seized the opportunity to alter tax rates. But the power here exercised is not likely to be reversed. Thus, the discretion is not unlimited. It may be exercised in only one directon—down. And only in favor of taxpayers making new investments of certain machinery and equipment. His discretion is fettered, but I think few would suggest that this fettered discretion is philosophically preferable to unfettered discretion which Congress refused to legislate to the President.

The decision was irresponsible, but politically astute, on another ground. When tax relief is distributed by administrative fiat, those who are the beneficiaries of it do not complain. Members of the general public who must fill the gap created by the relief may be unable to question the matter in court. When up to $4.7 billions of annual revenue are involved, is the Executive wise to take the initiative in distributng funds of ths magnitude? Particularly, when effective review of the legality and desirability by other branches of government presents some procedural difficulty?

It seems to me that the Executive is wise to act in this fashion only if he is as willing to subject his economic policies to Congressional scrutiny. Indeed if this is the best policy will not Congress applaud and adopt it?

CONCLUSION

There can be no doubt that the economy of this country has been sick for the last couple of years. But can the patient be made well by a distribution of more than $30 billion of tax relief in the coming decade to the business community after consistent Congressional refusal to grant it tax relief? Certainly, the economic opinion and evidence to support the action is flimsy. The nearly irreversible nature of the action is both bad tax policy and questionable economic policy. The relief has been granted in a fashion which may preclude review of its legality, let alone its wisdom. For these reasons, the ADR regulations should be withdrawn.

BOSTON COLLEGE LAW SCHOOL,
May 5, 1971.

In the Matter of: Proposed amendment to income tax regulations (26 CFR Part I): Addition of section 1.167(a)–11 providing for asset depreciation ranges, 36 Federal Register 4885 (March 13, 1971).

These comments are submitted in opposition to the regulations proposed to be issued providing for asset depreciation ranges (ADR) and repealing the reserve ratio test.

These comments will be directed solely to the issue of the legal authority of the Commissioner to issue the proposed regulations. No comments are made and no position is taken with respect to the policy reasons enunciated by the President in announcing the issuance of the proposed regulations. Thus no position is taken, for example, with respect to such questions as to whether additional stimulus is needed for capital investment in the United States, whether the proposed changes in depreciation methods are needed to stimulate the economy generally, or whether the changes will help reduce unemployment.

GENERAL

It is the position of the undersigned that the Treasury does not have statutory authority under existing provisions of the Internal Revenue Code of 1954 to provide for cost recovery allowances as contemplated by the proposed regulations. It is respectfully submitted that this conclusion is required by:

1. The statutory language of section 167 and past legislative history with respect to depreciation provisions;

2. Interpretation of section 167 and its predecessors by the Supreme Court of the United States;

3. Generally accepted concepts of depreciation adopted by the accounting profession.

I. LEGISLATIVE HISTORY

Section 167(a) provides:

"There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) . . .",

of property used in the taxpayer's trade business or held by him for the production of income.

Section 167(b) provides for certain methods of depreciation which shall, under regulations prescribed by the Secretary or his delegate, constitute a "reasonable allowance."

Section 167(d) provides that the Secretary or his delegate and the taxpayer may enter into an agreement specifically dealing with the useful life and rate of depreciation of property used by the taxpayer.

The proposed regulations purport to create an asset depreciation range system under which a taxpayer is permitted to adopt as the period over which depreciation may be claimed a period of time which may be 20% shorter or 20% longer than the guideline lives prescribed for such assets. In addition the reserve ratio test is abolished. Thus a taxpayer will be permitted to recover his costs on property qualifying under the proposed regulations without regard to the actual useful life of the property in his hands.

It is this latter fact which deprives the proposed regulations of legal basis under section 167.

From the legislative history of section 167 it is clear that the depreciation deduction is to be related to the actual useful life of assets in the business of the taxpayer. In adopting section 167 of Internal Revenue Code of 1954 the House Ways and Means Committee stated:

"Depreciation allowances are the method by which the capital invested in an asset is recovered tax-free *over the years it is used in a business.* The annual deduction is computed by spreading the cost of the property *over its estimated useful life.*" H. Rept. 8300, 1954 U.S. Code Cong. & Adm. News 4047. (emphasis added).

The House Report went on to note, in connection with the double declining balance method authorized, that ". . . based on a realistic estimate of useful life, the proposed system conforms to sound accounting principals." Id at 4048.

It has been argued in support of the proposed regulations that other countries permit faster recoveries of capital investment. The 1954 Ways and Means Committee report specifically took note of these faster cost recovery systems and rejected them.[1] The Committee, balancing the needs of budgetary policy and economic stimulus, concluded that the accelerated depreciation method prescribed in section 167(b) would accomplish the desired objectives "without departing from realistic standards of depreciation accounting." Id at 4049.

Thus it seems clear from the legislative history of section 167 that the depreciation deduction is to be allowed only if the write off conforms to the actual useful life of the property in the hands of the taxpayer.

In 1962 the Treasury issued rules prescribing new guideline lives for classes of depreciable assets. Rev. Proc. 62–21, 1962–2 C.B. 418. These guideline lives replaced those specified in bulletin F, most recently promulgated in 1942. The guideline lives proposed in 1962 were in most cases shorter than those set forth in Bulletin F. In order to insure that taxpayers would not be unable to utilize the shorter guideline lives to achieve a write off over a period shorter than actual experience in the business, the reserve ratio test

[1] Specifically Great Britain, Canada and Sweden. Report at 4049.

was instituted. Although somewhat complex in articulation, the purpose of the test was clear: it operated to insure that the depreciation deduction taken by individual taxpayers would conform to the actual useful lives of the assets in the hands of the taxpayer, whether that useful life was longer or shorter than the prescribed guideline lives. It was the adoption of the reserve ratio test that sustained the legality of the 1962 guideline lives.

The 1962 administrative changes are thus not a precedent which sustains the present proposed regulations. Indeed, in the absence of the reserve ratio test, the 1962 regulations would have been equally invalid to the extent that they permitted taxpayers to take a depreciation deduction over a period of time which did not correspond to the actual life of the assets in the taxpayer's hands.

Shortly after adoption of the 1962 procedure, Senator Hartke introduced legislation to repeal the reserve ratio test, Amendment 319 to HR 8363, The Revenue Act of 1964. The Hartke amendment was defeated by the Senate Finance Committee on January 22, 1964. See generally, Lent, *Should the Reserve Ratio Test Be Retained*, 17 National Tax Journal 365, 375 (1964). The action by the Senate Finance Committee is a strong indication that Congress understood the function of and necessity for the reserve ratio test.

As the President's Task Force on Business Taxation noted in its Report of September 1970, a shift from depreciation to cost recovery (urged there to be 40% rather than 20%) would require amendment of present law. This judgment was soundly based on prior actions by Congress. Where Congress has desired to move from the concept of depreciation to one of cost recovery, it has enacted specific legislation to accomplish the result. Thus, in the Tax Reform Act of 1969, provisions were enacted to provide recovery in five years of the amount invested in certified pollution control facilities (section 169), railroad rolling stock (section 185), and expenditures to rehabilitate low income rental housing (section 167(k)). Earlier, similar provisions had been enacted for amortization of certain war time emergency facilities (section 168). In some cases, Congress has provided that otherwise capital charges may, at the election of the taxpayer be recovered entirely in the year incurred. See sections 173 (circulation expenditures), 174 (research and experimental expenditures), 175 (soil and water conservation expenditures), 180 (expenditures by farmers for fertilizer), 182 (expenditures for clearing certain farmland). And, section 179 permits a special first year capital recovery for certain investments by small businesses.[2]

It can hardly be contended that the Commissioner under the regulatory authority relied upon to sustain the proposed regulations could have effected the special cost recovery allowances enumerated in the preceding paragraph. Yet, if the Commissioner is free to eliminate useful life as a relevant concept to permit taxpayers to deviate from industry averages by 20%, there seems little logical reason why he would not equally be free to provide the kind of artificial capital recovery allowances that Congress has specifically acted upon in the past.

The Commissioner has asserted that authority is derived from section 7805 to issue the proposed regulations. Section 7805 authorizes the Commissioner to prescribe "needful" regulations. This authority does not confer upon the Commissioner power to promulgate *invalid* regulations. Regulations can be prescribed under this authority to implement section 167, so long as those regulations comply with the terms of the section itself. Nor does the regulatory authority specified in 167(b) and 167(d) permit the Commissioner to disregard the definition of depreciation as that term was understood by Congress in enacting the section.

Prior administrative practice supports the view that the proposed regulations are invalid. As noted above, the 1962 procedures specifically contained rules designed to insure that a particular taxpayer's depreciation deduction would be spread over the useful life of the assets in his hands. In 1934, with Congress's approval, the Treasury issued regulations reducing depreciation allowances by shortening useful lives by some 25%. The specific purpose of this action was to insure that the deduction be spread over actual useful lives. Thus the 1934 action by the Treasury is not a precedent for the present proposed regulations.

In summary, the legislative history of section 167 clearly shows that depreciation must be based on the useful life of assets in the hands of the particular taxpayer: Congress has on occasion provided special cost recovery allowances, but these were specific actions required to overcome the effect of section 167 requirements; prior administrative action with respect to the depreciation allowance has been consistent with Congressional action and affords no basis for the present proposed action.

II. COURT INTERPRETATIONS

The Supreme Court of the United States has repeatedly held that the depreciation allowance is intended to provide for a recovery of asset costs spread over the periods that the taxpayer is benefitted in his business by those assets. The leading case is *Massey Motors* v. *U.S.*, 364 U.S. 92 (1960). In that case the court was required to determine proper depreciation for automobiles that were disposed of by a taxpayer prior to the exhaustion of their full economic life in the taxpayer's business. The court held that the useful life of the asset for purposes of the depreciation deduction must "be related to the period for which it may reasonably be expected to be employed in the taxpayer's business." 364 U.S. at 107. In reaching this conclusion the court made the following statement concerning the depreciation deductions which are clearly relevant to that legality of the proposed regulations:

"It was the design of the Congress to permit the taxpayer to recover, tax free, the total cost to him of such capital assets, . . . It was the purpose of § 23(1) and the regulations to make a meaningful allocation of this cost to the tax periods benefitted by the use of the asset . . . But, for the most part, such assets are used for their entire economic life, and the depreciation base in such cases has long been recognized as the number of years the asset is expected to function profitably in use . . .

The wear and tear to the property must arise from its use in the business of the taxpayer—i.e., useful life is measured by the use in a taxpayer's business, not by the full abstract economic life of the asset in any business . . .

Furthermore, as we have said, Congress intended by the depreciation allowance not to make taxpayers a profit thereby, but merely to protect them from a loss. The concept is, as taxpayers say, but an accounting one and, we add, should not be exchanged in the market place . . .

Finally, it is the primary purpose of depreciation accounting to further the integrity of periodic income statements by making a meaningful allocation of the cost entailed in the use (excluding maintenance expense) of the asset to the periods to which it contributes." 364 U.S. at 96, 97, 101, and 104.

Similarly in *The Hertz Corporation* v. *U.S.* 364 U.S. 122 (1960) the court made the following observation specifically with respect to the regulatory authority of the Commissioner under section 167:

"Moreover, the regulation can only carry out the fundamental concept of depreciation—that it is available only in such amount, together with salvage value, as will effectuate the recovery of cost over the period of useful life."

These expressions by the Supreme Court appear to preclude issuance by the Treasury of regulations that do not adhere to the concept of depreciation as a recovery of costs over the useful life of business assets in the hands of the taxpayer.

III. ACCOUNTING PRINCIPLES

The U.S. Supreme Court in *Massey, supra,* noted that depreciation in section 167 is essentially an accounting concept. Thus it is appropriate to test the proposed regulations against accounting principles to see if the regulations are consistent with a definition of depreciation as used by the accounting profession.

In Accounting Terminology Bulletin Number 1 (Committee on Terminology, American Institute of Accountants, 1953) it is stated:

Par. 54 "Depreciation accounting is clearly a special technique (like cost accounting or accrual accounting). It can be sharply distinguished from the replacement system, the retirement system, the retirement reserve system, and the appraisal system, all of which have at times been employed in dealing with the same subject matter in accounting. Depreciation accounting may take one of a number of different forms. The term is broadly descriptive of a type of process, not of an individual process, and only the characteristics which are common to all processes of the type can properly be reflected in a definition thereof. These common characteristics are that a cost or other basic value is allocated to accounting periods by a rational and systematic method and that this method does not attempt to determine the sum allocated to an accounting period solely by relation to occurrences within that period which affect either the length of life or the monetary value of the property. Definitions are unacceptable which imply that depreciation for the year is a measurement, expressed in monetary terms, of the physical deterioration within the year, or of the decline in monetary value within the year, or, indeed, of anything that actually occurs within the year. True, an occurrence within the year may justify or require a revision of prior estimates as to the length of useful life, but the annual charge remains an allocation to the year of a proportionate part of a total cost or loss estimated with reference to a longer period."

Par. 56 "Depreciation accounting is a system of accounting which aims to distribute the cost or other basic value of tangible capital assets, less salvage (if any), over the estimated useful life of the unit (which may be a group of assets) in a systematic and rational manner. It is a process of allocation, not of valuation. Depreciation for the year is the portion of the total charge under such a system that is allocated to the year."

This is the classific definition that was accepted by the accounting profession at the time the Internal Revenue Code came into being. See Montgomery, Auditing Theory and Practice 317 (1st ed. 1912).

Thus the proposed regulations do not conform to generally accepted accounting principles of depreciation. They represent adoption of an artificial cost recovery allowance which the accounting profession sharply distinguishes from true depreciation.

CONCLUSION

It is respectfully submitted that the proposed regulations establishing asset depreciation ranges are invalid and should be withdrawn.

PAUL R. MCDANIEL,
Assistant Professor of Law.

[2] The repeal by Congress in 1969 of the 7% investment tax credit would seem a further indication that Congress does not intend at the present time to make special cost recovery allowances available to business.

THEY IGNORE FACTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. DERWINSKI. Mr. Speaker, one of the most knowledgeable observers of developments behind the Iron Curtain is the distinguished columnist of the Copley Press, Mr. Dumitru Danielopol, who has just returned from an extensive fact-finding trip in Africa and Europe.

Therefore, his comments on the situation among the Soviet satellites, more specifically his comments on the situation in Rumania, are extremely pertinent.

The particular column, which I inserted into the RECORD, was carried in the Joliet, Ill., Herald-News of April 23, 1971, as follows:

THEY IGNORE FACTS

GENEVA, SWITZERLAND.—A few years ago in Copenhagen I asked the head of a farmers' cooperative what he thought of Premier Nikita Khrushchev's statement that the Danes "could not teach the Russians anything about farming."

Danish farming is a model of efficiency and the co-op manager barked:

"Khrushchev is right. You cannot teach trigonometry to someone who can't even add."

I recalled this incident a few nights ago here in Switzerland. A Swiss—a successful architect, a so-called "intellectual"—was the center of attraction at a party for Romanian exiles. It was obvious that most of the people of Romania have adopted communism wholeheartedly, he argued.

There were cries of horror from the exiles. They protested, argued and some became very angry.

One young man sat silent. He is a very prominent scientist, one of the new generation of Romanians. He slipped out of Bucharest only a year ago and now teaches in Zurich.

"Why don't you say something?" I asked. "After all you were brought up there. You lived under the Communists. You are a much more plausible witness than any of us."

"At his level of misinformation," he said, pointing to the Swiss, "not even I can teach him anything. If at this late stage in the game he still believes communism is salable behind the Iron Curtain, the man is hopeless."

The events in East Germany, Poland, Hungary and Czechoslovakia mean nothing to this brand of "intellectual."

"There are a lot more Communists in Switzerland than there are in Romania," said a young doctor from Bucharest now practicing in Geneva. "And Switzerland is no exception in Western Europe.

"Why in Bucharest even high-ups in the regime are fed up with the rigidity of the system."

There is a total disenchantment, said another scientist who recently arrived from Bucharest. The stifling bureaucracy, the total incompetence in decision-making posts, the indolence, the indifference, the lack of training for workers have slashed deep into the economy and the standard of living.

"I've seen brand new modern factories that were brought from the West at a great sacrifice become instant wrecks due to the lack of care and know-how," one engineer said. "Pilfering—one has to do it to survive—slackness, drunkenness, absenteeism are the rule at every level of life. The black market is flourishing."

They pretend to pay us and we pretend to work. It's the same in Romania as it is in Russia, Poland and other Communist countries.

Slowly, responsible circles in the West are facing facts. Communism is virtually bankrupt. After years of dabbling with "detente," Time magazine has recently corroborated every word of our contentions in the last seven years or so. So have newspapers in Britain, France, Germany, Austria, etc.

Everyone is waking up except the blessed, so-called "liberal intellectuals." In every corner of the Western world they persist in selling communism.

Will they ever learn? Pray God they don't. They can't be bothered with the facts because their minds are made up. The reality that would jar them to their senses would be too disastrous for all of us.

NORWEGIAN INDEPENDENCE DAY, MAY 17

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. ROONEY of New York. Mr. Speaker, today the people of Norway and our people here in America of Norwegian blood all take great pride in celebrating the 157th anniversary of their independence.

Norwegians can be justifiably proud of the democratic system of government which they brought into being with the adoption of their Constitution at Eidsvoll on May 17, 1814. Few drafters of a state manifesto or a bill of rights have been able to achieve a working document which preserved the hallowed laws and traditions of the past and combines them with the most up-to-date concepts of government extant at the time the document was developed.

Thus, it was that the Norwegian Constitution utilized both language and ideas contained in old Norwegian laws such as those obtaining in the ninth and 10th centuries. However, the new Constitution leaned heavily upon the same 18th century liberal and even revolutionary influences which had much to do with the shaping of our own Constitution and our Bill of Rights.

There is great similarity between the Norwegian Constitution and our own in the division of power among the executive—the king in Council—the legislative—Parliament—and the courts.

All Americans can full understand and appreciate the reverence in which the people of Norway have held their constitution for over 150 years. With this common bond of constitutional rights and privileges and with the self-same love of personal freedom and self-determination, it is little wonder that the people of Norway and the people of this country have established such deep and lasting mutual respect and admiration.

Added to these reasons, is another prime element contributing to the good will and oneness which we share with our Norwegian friends. America has been blessed with the sons and daughters of Norway who came to this country to make their homes. These sturdy, hard-working and law-abiding people made a significant contribution to our economic growth and our westward expansion; our merchant marine came into being largely through the marine engineering talents and craftsmanship of skilled Norwegians for whom ships and sailing were a very part of their lives.

Agricultural artisans from Norway led the vanguard of settlers westward to the Middle States and Great Plains. They, too, made a lasting contribution to our economic growth, to our cultural attainments, and to our political stability.

Mr. Speaker, I am grateful indeed for the significant influence which the people of Norway both here and at home have had upon the destiny of this country. I am equally grateful for the warm friendships I have with our loyal Norwegian-American citizens. And I am grateful for the assistance the fine Norwegian-American organizations have given me and other members of this body on matters of great interest to all Americans.

I congratulate the people of Norway and their American cousins for their splendid attainments and I wish them continued success as they now move toward their 158th milestone marking the adoption of their magnificent charter.

GOLD OWNERSHIP INTEREST REVIVED BY U.S. DOLLAR CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RARICK. Mr. Speaker, the recent panic to dump U.S. dollars in Europe has awakened many Americans to reexamine what they have been using for money.

Suddenly, Americans who have always taken the security of their money for granted are now being reminded that they can no longer turn paper money in for silver nor redeem it for gold. They are reminded that coins contain less silver and their awareness will be heightened when they see the new Eisenhower coin totally lacking silver in circulation in July.

The pending dollar crisis is reviving the desire of the American people for money with intrinsic value or paper currency which can be redeemed for something of value.

This is why I introduced H.R. 353, a bill to allow American citizens the same privilege to buy gold from the Treasury as that allowed foreigners.

To help curb the drain on gold which belongs to the U.S. citizens and not to international bankers to manipulate for their own private use, I also have introduced H.R. 352, a bill to prohibit the redemption in gold of any obligations of the United States for, and to prohibit the sale of any gold of the United States to, any nation which is indebted to the United States.

I insert the text of H.R. 352 and H.R. 353 along with the text of H.R. 4409, a bill to provide a moratorium in which the payment of interest on U.S. obligations

will be suspended, to provide that for this period interest-bearing obligations will be refunded with 20-year noninterest-bearing obligations, and to provide that the savings to the United States will be used to reduce the public debt, and a newsclipping:

H.R. 352

A bill to prohibit the redemption in gold of any obligations of the United States for, and to prohibit the sale of any gold of the United States to, any nation which is indebted to the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. No department, agency, or instrumentality of the United States may redeem in gold any obligation of the United States for any foreign government which is indebted to the United States, except where the obligation of the United States is limited to that of a bailee.

SEC. 2. No gold may be sold by any department, agency, or instrumentality of the United States to any foreign government which is indebted to the United States.

H.R. 353

A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. At any time when reserves in gold or gold certificates are not required by law to be held against currency in circulation—

(1) the Secretary of the Treasury shall sell any gold held by the United States to any citizen of the United States on demand at a price equal to that then being charged foreign governments, banks, firms, or individuals for gold purchased from the United States Treasury.

(2) the Secretary of the Treasury may purchase from any citizen of the United States any gold tendered at a price equal to that then being paid to foreign governments, banks, firms, and individuals for gold being purchased by the United States Treasury.

(3) no prohibition in the Gold Reserve Act of 1934 or any other law, and no prohibition in any regulation, shall be effective to prohibit or restrict the acquisition, holdings, or disposition of gold by any citizen of the United States.

A bill to provide a moratorium in which the payment of interest on United States obligations will be suspended, to provide that for this period interest-bearing obligations will be refunded with twenty-year noninterest-bearing obligations, and to provide that the savings to the United States will be used to reduce the public debt

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby declared a moratorium on the interest accruing on all obligations of the United States. Such moratorium shall become immediately effective upon the enactment of this Act. During the moratorium, no interest shall accrue or be paid on any obligation of the United States.

SEC. 2. As soon as possible after the date of the enactment of this Act, the Secretary of the Treasury shall provide for the refunding of all outstanding interest-bearing obligations of the United States when due with twenty-year non-interest-bearing obligations.

SEC. 3. An amount equivalent to the amount of the interest saved by the United States as the result of this Act shall be used solely for the purpose of reducing the public debt.

[From the Washington Post, May 13, 1971]

GOLD PRICE IS HIGHEST IN 18 MONTHS

(By James L. Rowe Jr.)

The price of freely traded gold reached its highest level in 18 months on the London bullion market yesterday, as traders, uncertain about the prospects of currency values, sought a reservoir for their money.

Gold closed at $40.45 an ounce, down from a morning high of $40.70.

In October, 1969, the price of bullion rose to $43.825 per ounce. From there it drifted steadily downward throughout the rest of 1969 and most of 1970, reaching a level of around $35 per ounce, the rate at which central banks buy gold from each other.

Meanwhile, Belgium announced yesterday that it purchased $80 million in gold from the U.S. Treasury. A Treasury official said the purchase, which was made a few days ago, was normal.

"There are certain gold-buying countries, of which Belguim is one," he said, alluding to the fact that the Belgian central bank was using up some of the surplus dollars it has collected over the past few weeks. "There hasn't been any unusual pressure from other central banks."

He said the Belgian purchase was not related to a $282 million purchase by France which was announced yesterday. The Treasury said the French purchase, arranged some months ago, was used by France to pay off part of its indebtedness to the International Monetary Fund.

The dollar continued to regain strength in the German money markets yesterday.

After Germany decided to "float" the mark last Sunday, the rate had slipped to 3.525 marks to the dollar Monday.

Tuesday, the dollar began to make a comeback, climbing to a rate of 3.5535. Yesterday the median rate for the day was 3.563, still well below the fixed rate of 3.63 to 3.66 that the German government abandoned last week.

Sen. ——— told President Nixon in a Senate speech yesterday he should consider closing the U.S. gold window and call an international economic conference, similar to the one that established the IMF, to discuss the world monetary crisis. Rep. ——— made a similar speech in the House.

Sen. ——— said the world is now on a dollar standard rather than a gold standard and that by closing the gold window the "presently existing link between the dollar and gold" would be removed; gold would be demonetized.

Currently the United States stands ready to buy or sell gold at $35 an ounce in transactions with central banks.

In March 1968, the world went on the so-called two-tier gold system, whereby gold prices may fluctuate according to supply and demand conditions on the private market.

GOLD RESERVES

Central bank holdings of gold—which are used as reserves—are traded at the official exchange of $35 per ounce. Central banks, under the two-tier arrangement, are not allowed to deal with the private market in gold.

Sen. ——— said, "Since the U.S. gold window has been closed for all practical purposes since 1968—that is to say the U.S. gold stock has existed at the sufferance of foreign governments—it would not be a drastic step to close the official gold outflow."

The official claims against the U.S. gold stock by foreign governments are about twice the size of the Treasury stock.

Rep. Wright Patman (D-Tex.), chairman of the House Banking and Currency Committee, said his group would investigate how the European currency crisis has affected the dollar and the economy.

[From the Atlanta (Ga.) Constitution, May 18, 1971]

BALANCE OF PAYMENTS DEFICIT AT RECORD HIGH

(By Bill Neikirk)

WASHINGTON.—The deficit in the U.S. balance of payments took a sharp and record-breaking turn for the worse from January through March, the government said Monday.

A yardstick which measures transactions with foreign governments and foreign central banks showed the first-quarter payments deficit climbed to a record $5.5 billion.

Another measure of the balance of payments taking into account all foreign transactions set the first-quarter deficit at $3 billion, the second-highest on record.

"Those results are bad," Treasury Secretary John B. Connally told a Senate Finance subcommittee. "Clearly, that level of deficit mirrored the causes for the recent international monetary crisis in which the dollar eroded in value in relation to other currencies in Europe.

Two main reasons have been given for the dollar crisis, the continuing high U.S. balance-of-payments deficit and a rapid flow of dollars to Europe where interest rates are higher.

"'Both balances reflected a large increase in outflows of dollars through transactions for which data are not available," the Commerce department said.

"In part, those outflows were probably short-term funds attracted by higher interest rates abroad than were obtainable in the United States," the department added.

Short-term interest rates plummeted in the United States when the Nixon administration launched the economy on an expansionary course heavily dependent on easier money policies. That brought an acceleration of the dollar outflow.

Connally agreed that the major cause of the deficit rise was higher interest rates in Western Europe. "That imbalance will be largely corrected as economies move back into phase," he said.

Here's how the balance of payments stacked up in January, February and March:

On the liquidity basis, measuring all transactions with foreigners, the deficit soared by $2.5 billion from the previous quarter and reached $3.078 billion. Only the $3.8 billion deficit recorded during the second quarter of 1969 exceeded that total.

On the official reserve transactions basis, measuring transactions with foreign governments and foreign central banks, the deficit climbed by $2.2 billion to a record $5.506 billion. The previous worst deficit came in the last three months in 1970, when it was $3.3 billion.

If the deficit rates were maintained for the remainder of the year, the "official" balance would reach $22 billion, more than twice 1970's red-ink figure, and $12 billion on the liquidity basis.

The Commerce department reported also that the U.S. merchandise trade surplus rose $140 million in the first quarter to $290 million, after a sharp decline in the preceeding three-month period.

Connally said the trade-surplus figure was more disturbing to him than the payments deficit because it is running well below the rate for last year.

"More importantly," he added, "it remains far below the levels of the 1960s, and below the amount we need to achieve an equilibrium in our balance of payments."

If the United States is to keep pace with the world economy, Connally said, "We must restore the stable, non-inflationary growth that was disrupted by the domestic financial policies of the late 1960s."

That statement apparently was a swipe at his political mentor, former President Lyndon B. Johnson. The Nixon administration

says heavy spending during the Johnson years caused an inflationary boom during the late 1960s. Connally, a three-time Texas governor, is the only Democrat in Nixon's Cabinet.

THE NEW YORK TIMES ARTICLES ON THE EPIDEMIC SCOPE OF GI DRUG ADDICTION: A COMMENDABLE PUBLIC SERVICE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. HALPERN. Mr. Speaker, yesterday, Sunday, May 16, the New York Times carried a featured story on the horrifying epidemic of GI heroin addiction in Vietnam.

Today, the Times continued its revelations on drug abuse in the Armed Forces and featured the military's belated beginnings of rehabilitation programs for addicts, with particular stress on the innovative "Operation Awareness" project at Fort Bragg, N.C.

These two New York Times features, the first by Alvin M. Shuster written from Saigon, and the latter by Dana Adams Schmidt from Fort Bragg, are revealing, hard hitting, accurate and enlightening. I commend these two correspondents on their superb reporting and the New York Times for initiating this outstanding public service. These revelations blatantly reflect the enormity and seriousness of the GI drug scene, its devastating impact on our society and the crying need for action on all levels.

Today's Times also carries a related story by Correspondent Iver Peterson from Saigon. This article focuses attention on a glaring reality—one I personally experienced during my recent visit to Scag alley and other similar areas in Saigon—the easy "scoring"; that is, purchasing of drugs in any form for a mere pittance.

The Times' articles pose a challenge for all of us in the Congress to review the adequacy of existing laws and programs dealing with the scourge of narcotics and GI addiction. The articles issue a call for complete inventory of existing military discharge practices, bold revisions of laws to protect both the GI and society, new regulations and procedures relating to detection, detention and treatment of drug users, additional resources and manpower to combat the problem, innovative techniques and programs for cures and rehabilitation, and broad after-discharge facilities and treatment programs.

As one who just returned from Vietnam where I made an on-the-scene study of the drug situation there; as one who actually purchased scag—as heroin is known—from children in order to illustrate how cheap, how pure and how available it is; as one who, wearing fatigues, rode in the van of a truck in an army convoy on roads in and around Long Binh, the army's largest base in Vietnam and found at least a dozen "stalls" where pushers, mostly children, were dealing openly in "scag"; as one who, riding in the same convoy, was approached by young pushers who would pull up to the van on scooters; as one who conferred with military personnel on every aspect of the problem, from the highest ranking officers to the GI's themselves, from the drug suppression forces to the addicts themselves; and as one who has been at Fort Bragg to review the military's first, and thus far, most successful—but still not properly supported by the Pentagon—rehabilitation program, I can fully attest to the accuracy of every fact reported in the Times articles.

I commend these articles to every Member of Congress. They follow:

[From the New York Sunday Times, May 16, 1971]

GI HEROIN ADDICTION EPIDEMIC IN VIETNAM

SAIGON, SOUTH VIETNAM, May 15.—The use of heroin by American troops in Vietnam has reached epidemic proportions.

The United States military command, the American Embassy and the South Vietnamese Government have been slow to awaken to the crisis. Now they are intensifying their efforts to curtail the easy flow of heroin to the soldiers, punish the sellers and rehabilitate the soaring numbers of Americans who use what they and Vietnamese sellers call "scag."

So serious is the problem considered that Ambassador Ellsworth Bunker and Gen. Creighton W. Abrams, the military commander, recently met with President Nguyen Van Thieu on measures to be taken by the Saigon Government, including agreement on a special task force that will now report directly to Mr. Thieu.

John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, also conferred with Mr. Thieu and other officials and returned to Washington, reportedly alarmed at the ease with which heroin circulates and fearful of the danger to American society when the addicted return craving a drug that costs many times more in the United States than it does here.

The epidemic is seen by many here as the Army's last great tragedy in Vietnam.

"Tens of thousands of soldiers are going back as walking time bombs," said a military officer in the drug field." And the sad thing is that there is no real program under way, despite what my superiors say, to salvage these guys."

Most efforts so far, whether arrived at drying up the supplies or handling the addicted, are proving ineffective.

While moves to crack down on smuggling and improve police work are clearly important, there are experts here who argue that the pushers will merely counter by increasing their level of competence.

Accordingly, they say, the best hope lies in trying to save those young Americans who will continue to be exposed to a drug readily at hand on army bases, in the field, in hospitals and on the streets of every city and village near American installations.

CONFUSION AND UNCERTAINTY

Like a parent who has suddenly discovered that his son is a junkie, the United States command has reacted with confusion and uncertainty. Should the kid be punished and kicked out of the house? Or should he be encouraged to confess all and be helped to recover?

The answer of the command has been to try both, but with the heavier emphasis on punishment. Its officers are arguing the basic question of whether the military has a responsibility to go all-out to cure men they view as weak enough to use heroin. And the command does not want to make treatment of drug users "too attractive" out of fear that more men would turn to heroin just to get out of Vietnam.

Officially, the command says that it is "fully aware of the extent of the drug-use problem and is constantly developing new and innovative approaches." But it will not provide even estimates of the size of the problem, and the approaches it regards as "new and innovative" are viewed by many of its own officers as haphazard and unsure.

The figure on heroin users most often heard here is about 10 to 15 per cent of the lower-ranking enlisted men. Since they make up about 245,000 of the 277,000 American soldiers here, this would represent as many as 37,000 men.

Some officers working in the drug-suppression field, however, say that their estimates go as high as 25 per cent, or more than 60,000 enlisted men, most of whom are draftees. They say that some field surveys have reported units with more than 50 per cent of the men on heroin.

OVERDOSE DEATHS ON RISE

The death toll from heroin overdose is expected to rise this year as well, despite the reduction in American troops. Thirty-five soldiers died from overdoses in the first three months of this year. Last year the quarterly average was 26 for a total of 103.

Reflecting the trend, almost as many have been reported arrested on heroin charges in the first three months of this year as in all of last year.

Through March, a total of 1,084 servicemen were charged with heroin use or possession, against 1,146 in all of 1970. In 1969, before hereoin's widespread use here, there were 250 arrests.

In explaining why so many soldiers have turned to heroin, Maj. Richard Ratner, a psychiatrist from the Bronx working at a rehabilitation center called Crossroads at Longbinh, the sprawling American support base near Saigon, said the men were reacting to Vietnam much like the deprived in a ghetto.

"Vietnam in many ways is a ghetto for the enlisted man," he said. "The soldiers don't want to be here, their living conditions are bad, they are surrounded by privileged classes, namely officers; there is accepted use of violence, and there is promiscuous sex. They react the way they do in a ghetto. They take drugs and try to forget. What most of the men say when they come in to the center, however, is that they took to heroin because of the boredom and hassle of life here."

REHABILITATION URGED

A key reason that many think the military should concentrate on rehabilitation is the view that it is easier to get a soldier off the habit here than after he returns home as an addict, even though the strength of the heroin here is far greater.

In the United States, heroin of about 5 per cent purity is injected. Either by smoking or sniffing soldiers here become addicted to heroin of about 95 per cent strength.

Some experts say that once addiction occurs it does not matter whether, the user takes it intravenously or not because both types of users undergo severe withdrawal symptoms and hence crave the drug to avoid what the addicts here call the "jones", the pains of withdrawal. But not enough is known about smoking or sniffing the drug.

"We are taking the problem seriously because we think it is easier to get them off here, because they haven't been hooked as long as addicts in the States," said Brig. Gen. Robert Bernstein, the command's surgeon.

Despite the good intentions of many high-ranking officers and the length of the command's directives on drugs, many officers see the following faults in the present military program:

Rehabilitation is up to local commanders the official directive says only that "rehabilitation centers are encouraged where feasible." Some commanders comply. Others leave the problem to medics at regular hospitals,

to chaplains, to ex-addicts interested in curing others, or merely to the military police. A command spokesmen defended this by saying that "we encourage individuality because we don't know the right patterns just as the solution escapes those in the States where many have long sought solutions."

Until today there has been no general policy on amnesty. The army's program allows an addict to turn himself in for treatment in exchange for immunity from prosecution so long as he is not under investigation. The Air Force has a "limited program" that spokesmen say provides "a little immunity." The Navy finally announced an immunity program for marines and sailors.

The Army has only 10 rehabilitation centers, the largest able to handle about 30 men at a time. The men are kept five days to two weeks and then usually sent back to their units. In most instances, there is little continuing counseling.

Addicts are given no second chance. "The trouble is that once you go into that amnesty program you are a marked man back in your own unit," said one. "You can only do it once. The next time it's jail or a bad-conduct discharge that stays with you the rest of your life. Let's face it. I would have never been on the stuff if they hadn't sent me over here."

No tests are given a soldier before he leaves Vietnam to see if he is going home addicted. Some experts here believe that no man should be discharged until the service is satisfied he is no longer addicted. If he is an addict, they say, he should be hospitalized and cured. Command spokesmen say they are now considering urine tests before the soldier leaves for home.

Because of the heavier reliance on punishment, drug cases are now clogging the military justice system. "Drug cases have become to the judicial system here what automobile accidents have become to the civil courts at home," said Henry Aronson of the Lawyers Military Defense Committee, which provides civilian counsel for accused soldiers.

In citing what they call a lack of interest in curing the addicts, some officers here are pointing to a study prepared by the Army for the establishment of a "security facility for drug abusers," an idea opposed by these officers who call it a "kind of drug concentration camp."

The report, called a "feasibility study," was signed by the deputy provost marshal. It suggests setting up the unit at Camp Frenzell Jones, near Saigon, for 125 soldiers facing charges of drug use of possession. The idea, one officer said, would be to speed up disciplinary action, with prosecutors, judges, and defense counsel on hand.

"They may get some medical attention, too" said an officer. "But the purpose is clearly to get the guys out of the service fast. I only wish the state of thought on rehabilitation was as advanced as that on punishment."

CREDIBILITY PROBLEM SEEN

In dealing with the crisis and trying to persuade the young soldiers to avoid the temptations of heroin, the command has also been running into a credibility problem stemming from its earlier intense campaign against marijuana.

"My feeling is that the campaign against grass may have been counterproductive," said one Army doctor. "We kept telling them how dangerous that was. They tried it, probably tried at home first, and knew they weren't dying. We tell them how dangerous smoking scag is, and they don't believe it. They find out soon enough, but too late."

Some addicts who may be exaggerating say that the crackdown and the arrests for smoking marijuana may have driven some soldiers to heroin. As one explained it:

"We smoke grass in the hootch and anybody can smell it and we're in trouble. We smoke scag and you have to be in the scag bag to detect it. We can smoke it in formation, in the orderly room, in the mess and nobody's going to bust you."

No one here is suggesting that a better rehabilitation program by the military is the ultimate solution. Not all addicts could be saved by it, but, no spokesman agree that much more in the way of psychiatric, and medical counseling has to be done.

HAD TO SHIFT GEARS FAST

"We had to shift gears fast from worry about marijuana to heroin and we're still shifting," one officer said. "It's just so new for us."

It was new, as well, for a 21-year-old from Georgia sitting this week in the Crossroads Center at Longbinh. A former military policeman who won the bronze star shortly after he arrived here, the soldier said he had never touched drugs in the United States.

"I moved in with this Vietnamese girl," he said. "I thought I'd try some scag. I never thought it would get to me. I got involved in the black market, selling stuff from the PX. The scag was everywhere, even in the hospital where I had to go for a time with a bad leg.

"I tell you it ruined my life. All it does is tear you up. All you think about is scag. I am going home soon and I don't want to go home strung out. I'm off and I'm staying off."

[From the New York Times, May 17, 1971]

ADDICTED GI'S GET HELP IN U.S.

(By Dana Adams Schmidt)

FORT BRAGG, N.C., May 13—Jim is a 20-year-old private from Fairbanks, Alaska. Dennis is a 20-year-old giant of a soldier at 6 feet 4 inches, a private from the streets of Philadelphia.

The two have much more in common than their ranks and ages. Both are drug addicts who wanted to "kick the habit" but found it much harder than they had expected. Dennis, a veteran of Vietnam, where his heroin was cheap and easy to get, recently explained the problem he faced when he returned to the United States and went home to his parents.

"I was so strung out I couldn't even talk to them," he said. "I found a lot of my friends on the block in jail for robbing houses. I saw I was in the same bag because drugs were costing me $30 to $50 a day, and it made me sick to think of it."

OPERATION AWARENESS

Both Jim and Dennis have now found hope through an unusual Army drug treatment program at Fort Bragg called Operation Awareness, which has been having some success in rehabilitating addicted soldiers.

They are far more fortunate than thousands of other addicted soldiers because, according to Pentagon officials, the program here is the only rehabilitation venture of its type at any military installation in the United States.

At a time when reports from Saigon say that the use of heroin by American troops in Vietnam has reached epidemic proportions and studies indicate that the general problem of drug use in the military is intensifying, the services are only just beginning to develop a true rehabilitation program for those who have picked up the habit in the United States or are bringing it home from abroad.

The traditional military attitude toward hard-drug addiction was arrest, confinement and dishonorable discharge until the Defense Department issued a directive last October authorizing—but not requiring—the services to develop programs giving amnesty to individuals admitting to drug use.

The directive said that military departments "are encouraged to develop programs and facilities and to restore and rehabilitate members who are drug users or drug addicts when such members desire."

But so far, the idea that drug addiction is a medical problem that requires special treatment and rehabilitation has been slow to catch on in the military, informed sources say.

Military officials in Washington say they are studying the establishment of rehabilitation programs modeled on the one here. However, little has yet been done to deal with addicts other than sending them to military hospitals for detoxification and a lecture.

SCOPE MADE CLEAR

The scope of the problem was made clear in a report filed April 28 by the Subcommittee on Drugs of the House Armed Services Committee.

"The consensus," the report said, "is that 40 to 50 per cent of the men entering military service have at least experimented with marijuana; 50–60 per cent of the men in service have at least experimented with drugs, principally marijuana; some 20 per cent of our military personnel may be marijuana, and upwards of 10 per cent of our personnel in Vietnam could be using hard narcotics."

The report added that there were 160 drug-related deaths in the military in 1970.

Frank A. Bartimo, Assistant General Counsel of the Defense Department, estimated in a report to the Senate Armed Services Committee that the use of hard drugs in the armed services had doubled each year since 1967.

Mr. Bartimo said that, in 1967, the number of hard-drug cases investigated by the military totaled 573. The next year, he said, the total was 940. It was 1,871 in 1969, he said, and 1,533 for the first six months of last year.

"Amnesty is a delicate tool, which must be used with great discretion, for it must not vitiate discipline," Mr. Bartimo said, referring to the Pentagon directive.

IGNORING AMNESTY

One service, the Marine Corps, has chosen to ignore the amnesty program. Its attitude, a spokesman at the Pentagon said, is that "men who take drugs have no place in the Marines."

As a consequence, while the Navy, Air Force and Army are attempting to combine the efforts of chaplains, medical officers and lower-level commanding officers to lure addicts into treatment centers, the Marines are continuing to rely entirely on rigid discipline. The Marines' rate of investigations of drug abuse per thousand men has soared far above the rest of the armed forces.

However, Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, said today in a telephone interview that even the Marine Corps was moving to implement the amnesty program.

The Navy started to apply the principles of amnesty in April but places its main emphasis on an education program. Since early this year, it has operated a school at San Diego whose graduates will set up education programs in every subcommand of the Navy.

The Air Force's name for amnesty is its Privileged Communication Program. This means that, whereas in the past, the only man who had the right to keep in confidence everything told to him was the chaplain, a man can now admit to his drug addiction to his medical officer or commanding officer and get medical treatment for it without fear of disciplinary reprisals.

It is the Army that has the biggest problem. While Navy and Air Force men usually live under close supervision aboard ships or at bases, the Army is far more scattered, especially in Vietnam, where drugs are cheap and easily available.

The Army has established a dozen "drying out" centers in Vietnam and another at Okinawa, while regular Army medical facilities are now available to the addict in Germany and in the United States.

As long as a man stays off drugs while under treatment in an Army amnesty program he is "home free." But almost everywhere the treatment is little more than detoxification and this is only the first, and the easiest, step toward rehabilitation.

The exception is Fort Bragg.

Operation Awareness was started here by the commanding officer, Lieut. Gen. John L. Tolson, just over a year ago—five months before the Defense Department authorized the amnesty program.

The program offers hope to young men like Jim and Dennis who would have otherwise been in danger not merely of arrest and punishment in the Army but, also of dishonorable discharge, which would have deprived them of the right to eventual care in Veterans Administration facilities.

Jim and Dennis have been admitted to a special ward for a 16-week in-patient course of treatment. Some of their friends who were less seriously addicted have joined a growing outpatient program that includes "rap" sessions and group therapy.

DEATH AND THEFTS

General Tolson said he had decided early last year that "something must be done." He said he was shocked by a sudden increase in hepatitis among his men. Three died of it on two successive weekends. At the same time, a wave of petty thefts was sweeping the base.

Streets in and around the base had become the scene of repeated muggings. And the surroundings of Fayetteville, the nearest town, were dotted with communes, shacks or groups of trailers inhabited by men from Fort Bragg who were eager to maintain a maximum degree of privacy.

As Operation Awareness took shape, the Army had few funds for it. It contributed two World War II barracks.

The problem of staff was tackled by Capt. Richard T. Elmore, a former helicopter pilot from Charlotte, N.C.

Captain Elmore, who had a degree in sociology from the University of North Carolina and had done graduate work in counseling psychology, scoured the base for men who had similar degrees or had studied sociology and psychology. He found 17, all enlisted men.

THE PROGRAM GROWS

Under the supervision of Dr. Richard Crews, an Army consultant in psychology, Operation Awareness grew. At first, men were reluctant to come in. The first few came in civilian clothes and tried to give an assumed name. But soon there were more applicants than space in the 16-bed ward. To meet the need, the next step was to start an outpatient department.

The program Jim and Dennis have begun took care of 109 inpatients in its first 10 months of existence, while the outpatient department dealt with 550. A survey of results showed that 48 per cent of the inpatients and 42 per cent of the outpatients were doing satisfactorily in their units following their return.

"Compared with the hardened addicts with which civilian clinics are familiar," Captain Elmore said "These fellows are not all that horribly hooked. Youth is in their favor.

"Many have been into drugs for only six to eight months and have not developed a high physical dependence."

He composed the following composite picture of his patients:

Their age is 20 to 21; they have had 11 or 12 years of education; 94 per cent began drugs before entering the service (as had Jim and Dennis) usually with marijuana; most enlisted; they are not draftees; 60 per cent have not been to Vietnam; 75 per cent are on heroin, 15 per cent are on LSD and 10 per cent on amphetamines; 85 per cent have had disciplinary problems.

"SMOKING" ON PATROL

Dennis, whose past generally coincides with this picture, except that he is somewhat more deeply addicted, spoke of his background in Vietnam.

"I was there for a year," he said, "mostly on pacification. There were seven of us going out on ambush patrols—on patrol and smoking that stuff at the same time.

"Most of the time out there in the field there was nothing to do. They came around and they were selling everything, including heroin. Heroin cost $1.25 for what would cost $40 in the U.S., 95 per cent pure. I think the Commies have put that stuff around.

"Gradually you get used to it there were always a couple of guys shooting it, or snorting it. You could get a joint of marijuana 8 inches long for 5 cents. At first a joint would wreck you. I got sick. So I started smoking just half a joint. So I could stay high for a week on 35 cents."

At Fort Bragg, it was the chaplain who persuaded Dennis to go to Ward 30, as the special ward is known.

Dennis said that he had asked for methadone to help him "detoxify," but "they said I was just nervous and I made it.

"It's easier, you know, when you have a bunch of boys going through the same sort of thing," he said.

Jim also went through detoxification without methadone.

Only men suffering from very severe physical addiction are given methadone, a synthetic to take away the craving for hard days.

As Captain Elmore described Operation Awareness, the addicts go through four phases during which their accomplishments are rewarded with points.

At first, the addicts are awarded points merely for standing reveille properly and showing up for breakfast and personal inspection.

Later, they receive points for exercising and working at menial jobs.

In the third phase, the men are assigned to permanent jobs.

Finally, the man is integrated back into his own unit returning to the ward only periodically for consultation and a urinalysis.

Although Ward 30, the inpatient ward, is to a large extent his creation, Captain Elmore concedes that the future belongs to the outpatient department, which is directed by Capt. James Cook, of Concordia, Kan.

He is a 29 year-old officer with a B.A. in sociology and a master's degree in social work from Wooster College in Ohio.

The outpatient clinic not only reaches more people more economically, Captain Elmore said, but it also has the advantage of keeping a man in the old environment to which he must in the end learn to adjust.

Neither Captain Cook nor Captain Elmore claims to be able to effect "cures." They do say that they are putting a good proportion of participants on the right road before they are released from the armed forces.

They have no legal right to report the men they treat to the civilian authorities, but they encourage their patients to seek help after they are returned to civilian life.

[From the New York Times, May 17, 1971]

GI's Find It All in Saigon's Scag Alley

(By Iver Peterson)

SAIGON, SOUTH VIETNAM, May 16.—Wartime overcrowding created the twisting, narrow lane and the mean, cramped cinder-block houses that line it, but it is scag, or heroin, that gave it its G.I. name—Scag Alley—and that attracts the bored and unhappy American servicemen from nearby Tansonnhut Air Base.

"You can score anything you want here—scag, speed, dew, anything—just ask any little kid," a United States Navy enlisted man in the alley said last night.

The children, bare-legged and wearing ragged shirts, play in the alley's muddy center and banter with the Americans in raucous, slangy pidgin English while waiting for another customer for the variety of drugs the sailor described. "Dew" is marijuana, and speed is the violent, addictive amphetamine stimulant that can be injected or taken in pills.

It is all for sale in Scag Alley, as it is in the many other back streets and bars frequented by American servicemen in Saigon.

The G.I.s stand outside the houses talking in small groups or sit alone and motionless on low stools against the dirty walls. The houses are open to the street, illuminated at night only by the light of bare bulbs spilling through the open doors and windows of the houses.

Inside several of the houses, G.I.s sit smoking the mixed tobacco-and-heroin cigarettes called "hits." Children, many of them of American fathers, play around the soldiers, hanging on their knees and smiling at the jokes and caresses of the Americans.

Drug selling and keeping order in the houses is supervised by the "mama-sans," the middle-aged women whose husbands pointedly ignore the Americans and the drug traffic and who sit with their backs to the crowd watching television or talking among themselves.

Some younger girls hang around, flirting with the soldiers, but most are off working in bars, and few military-aged Vietnamese youths are seen.

POLICE RAIDS INEFFEFTIVE

Down a narrow passageway off the alley and in a little room used by heroin smokers lives Phillip, a 4-year-old whose sandy hair and gray eyes bespeak his unknown American father. Phillip often walks up to American soldiers and, pointing with a broad smile to his pale cheeks, says: "White."

The soldiers who loiter in Skag Alley's shadows say that the Vietnamese police sometimes raid the place, but the urchins posted at the alley's entrance from Congly Street usually spread the alarm in time to hide the heroin and other narcotics. When the police do manage to make an arrest, the sellers usually find a way out.

"That mama-san has been busted three times for dealing dope," one G.I. said, indicating the sharp-faced, suspicious woman who had sold him the pure heroin he was gently tapping into the tip of his cigarette. "But she's got the money and paid the cops off every time."

The American military police are faced with another problem—they are not allowed to enter a Vietnamese house unless they are accompanied by a Vietnamese policeman.

"And if the pigs are coming, an Air Force sergeant said, "we just throw away the hit, and we're clean." He said that he had been coming to the same house for six months and that he was "strung-out"—addicted to heroin.

But it is not just drugs that draw American soldiers to Scag Alley. There is also an air of friendliness and familiarity—almost of family—in the casual playfulness of the G.I.'s and the alley's children. The soldiers relax in the drab rooms and watch the Vietnamese families go about their lives, and they receive attention and sometimes affection. It is not something they find on base.

WAR POWERS BILL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. BOLAND. Mr. Speaker, the 92d Congress is witnessing a mounting debate

over what has come to be called the "War Powers." Serious questions of responsibility and efficacy have been highlighted by the U.S. involvement in Vietnam. Senator STENNIS has introduced an amendment which seeks to provide a solution to this complicated problem.

The May 13 issue of the Springfield Union carried an editorial, entitled "War Powers Bill," which I am sure will be noted by my colleagues for its considered, incisive remarks concerning the sharing of responsibility for decisions in the field of defense. The editorial follows:

WAR POWERS BILL

Curbing the President's powers to commit the nation to war is the aim of legislation introduced Tuesday by Sen. John C. Stennis, chairman of the Senate's Armed Services Committee. The purpose is sound, and there is broad support for the measure in Congress. At best, however, such a law would be no guarantee in itself that the United States would be free of Vietnam-type involvements in the future.

The legislation would protect the President's emergency powers, as commander-in-chief of the armed forces, to repel attack on this country or on U.S. forces, or to prevent an imminent nuclear attack or rescue American citizens in peril abroad. After 30 days, however, the President would have to come back to the Congress for approval of any continued use of the military. And in other than the emergency situations, Congress would have to give prior consent to the use of any troops, even under the terms of a treaty obligation.

In specifying that the consent of Congress would be required for the commitment of troops in non-emergency cases, it is possible the measure will be challenged on constitutional grounds. But the Constitution does endow Congress with more than the power of a formal declaration of war—the power, for instance, "to make rules for the government and regulation of the land and naval forces," and "to raise and support armies. . . ." It does not appear that the balance of authority under the legislation would exceed constitutional bounds.

What the legislation could achieve is protection against a gradual U.S. involvement in an undeclared conventional war. The nature of the Vietnam situation never lent itself to a formal declaration of war. That would have opened the door for this country to launch a full-scale attack on North Vietnam, and this might well have generated a global war. But the defense of South Vietnam did lend itself to an eventually massive commitment of manpower to a hopeless conventional war.

If the legislation to curb the President's powers is enacted, it will, as Sen. Stennis stated, mean the sharing of a decision too big "for one mind to make" and of "too awesome a responsibility for one man to bear." He pointed to the division of public feeling over the war in Vietnam and added the doubt that this country "could expect to prevail in a conventional war in the foreseeable future which was not declared by Congress."

For the law to do its job, however, the collective judgment of the President and the Congress would have to be sound. The chances of this should be better if the decision is shared, yet there is no absolute certainty of this. The so-called Tonkin Gulf resolution of 1964 overwhelmingly supported President Johnson in "all necessary measures" to prevent "further aggression," following the report of an attack on two U.S. destroyers in the gulf.

Years later, Congress renounced its own resolution, in effect admitting that it had been mistaken in a vital decision. There were charges, of course, that the Tonkin incident had been rigged so that Johnson would be given a free hand in the conduct of the Vietnam war. If so, the Congress was "taken in." This was not a declaration of war, of course, but it was the kind of misstep Congress will have to remember if the war powers measure becomes law.

NATURE'S WAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RODINO. Mr. Speaker, the Newark Star Ledger of last Sunday published a very important, crusading, editorial calling for the establishment of a complete recycling system for the State of New Jersey. I wholeheartedly endorse the aims of the editorial, "Nature's Way" and I welcome the opportunity to support a proposal for such a system when it comes to the attention of the Federal Environmental Protection Agency.

The editorial follows:

NATURE'S WAY

In the environment, recycling is the essence of conservation. Without Nature's own recycling system working quietly every day—and often times beautifully—there would be no life on the planet. No air. No water. No substance.

Nature knows how to abide by her own rules. She's been doing it for billions of years.

But man hasn't. He takes from the earth, and seldom replaces. He disrupts, damages and finally destroys. He restores and enhances only what he feels satisfies his own aesthetic and vicarious needs.

Because the human species has so far refused to live according to Nature's unalterable rules, it too faces the real possibility of extinction. Man has not only managed to wipe out several hundred species on the planet in a few centuries; he has also dramatically disturbed the world's lifegiving forces—our rivers and lakes, the air over our cities and suburbs, our forests and land . . . and now our oceans.

Recycling can begin to reverse this deadly trend. It can start to restore that crucial balance in the delicately complex ecosystem, of which man is a single, vulnerable link. When too many links in this living chain are broken, the environmental system ultimately will break down and die.

A realistic approach to recycling our vast and vanishing resources—metals, paper, materials—is currently being undertaken by the State Department of Environmental Protection.

The plan, as detailed in a series of articles in The Star-Ledger, involves the most far-reaching recycling operation in the nation. And in the long run, an efficient recycling system can save money by properly utilizing the state's billion dollar resources.

But it cannot work effectively unless recycling is given everyone's total cooperation—government, the business community and all citizens.

The idea simply calls for two basic changes in our primitive methods of solid waste collection and disposal. The first would require separation of all refuse at the source: Putting garbage in one receptacle, and recyclable materials in another.

The second would necessitate separate collections: Trucks picking up only garbage on one trip, and only recyclables on another trip. It can be easily implemented because garbage collection is done on a twice-weekly basis.

State Environmental Commissioner Richard J. Sullivan thinks the initial plan is feasible. Eventually, the state would develop regional automated reclamation centers, so that separation at the source can be phased out as the latest recycling technology is introduced.

The interim operation can begin as soon as the state delivers a detailed recycling program to the Federal Environmental Protection Administration. If the EPA approves it, New Jersey would have to pay $6 million, and the federal government the balance, or $19 million.

The state would establish 25 regional reclamation centers at $1 million each.

New Jersey's 15 congressional representatives and two U.S. senators must team up with the state's environmental officials to convince the federal government of the extreme urgency of a recycling program.

The Garden State would be the ideal proving grounds for such an experiment because it already is the most urbanized in the country and, as such, rapidly running out of costly sanitary landfill sites.

More importantly, the longer the state—and the nation—delays the development of a complete recycling system, the greater the danger to the environment and all people.

Our natural resources won't last forever, and with a global population doubling every 35 years, an ecological crisis is imminent.

The time to recycle is now—not when it's too late.

VIETNAM VETERANS FOR A JUST PEACE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. SCHMITZ. Mr. Speaker, the following letter from a marine veteran of Vietnam appeared in the New York Times on May 13 this year.

It is excellently written and from the experience I have had with Vietnam veterans reflects the views of the overwhelming majority of the men who have served their Nation on the battlefield in Southeast Asia.

The letter follows:

VETERANS FOR VIETNAM

(By Bruce N. Kesler)

Despite statements to the contrary, 2.5 million Vietnam veterans have not dropped out or disappeared. With few exceptions, they are pursuing their interrupted careers and education, free of self-induced breast-beating, proud of their contribution to American defense and the Vietnamese future.

Our commitment is not to Vice President Ky or even to President Thieu. It is to the Vietnamese people. Their present rulers are not the issue, but the establishment of opportunities to create an indigenous government by free choice.

Leaders of "Vietnam Veterans Against the War" are shocked at the wide-scale devastation. Perhaps they should study history to discover the many millions caught in World War II's path or any other war which has raged across the territory of any nation. One can state a good case against all wars, but to isolate this one and seek to qualitatively differentiate the blood spilt is an outrageous distortion of reality and an insult to the memories of other wars' victims.

I am sure the overwhelming majority of Vietnam veterans and Americans bitterly resent the charge from the left that they are all war criminals. We are proud of our nation and its exertions in defense of freedom in the

world. Lieutenant Calley deserved punishment for his role in the Mylai carnage. And American justice gave it to him, as it has to over a score of other American soldiers who have overstepped the accepted rules of war. But one must remember that his actions were an aberration, not the rule. America punishes its offenders. When will Hanoi start punishing its own?

A young person in America today is pressured to surrender his mind and reason to new left demands and excesses. And if he doesn't toe the proper left line, he is a traitor to his generation, a war criminal, a victim of immense social pressure to conform and march quietly behind bankrupt leadership. It is not easy to be an independent, rational young person with such generational medicine men peddling their patented potions for class solidarity against the "meanies" and "oldies." It is not a crime to be American and young, but it is if one adds to that ignorant, foolish or irrational dialogue as citizens of a democratic government. The antiwar veterans are not ignorant of the facts; they merely use them to form an army of young people marching to their drums, exploiting issues, fears and people for their own ends. That is the crime.

RACISM IN AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RARICK. Mr. Speaker, to the average American, racism in Africa is a term which through repetitious use in the news media educational system has become synonymous with Rhodesia and South Africa.

Those who run about our country attacking civilized and stable governments by shrieking racial epithets are never heard to be morally disturbed by black racism at the expense of the whites in Africa.

The Republic of Liberia is an African nation founded by the United States with the help of the American Colonization Society to encourage freed slaves to return to Africa. Its constitution and laws must be considered as approved by and satisfactory to our Government inasmuch as Liberia enjoys the wholehearted support of our Government and during the fiscal years 1947–70 has been the recipient of $226 million in foreign assistance.

Yet under the laws of Liberia no white person can be a citizen and no person who is not a citizen can own real estate.

Apparently, the expression "racism" is but a psychological tool of political expediency—it just depends on whose friends are being goaded.

I insert sections 12 and 13 of the Constitution of the Republic of Liberia in the RECORD at this point:

CONSTITUTION OF THE REPUBLIC OF LIBERIA

(July 26, 1847 as amended to May 1955)

ARTICLE 5

Miscellaneous provisions

Sec. 1. . . .

Sec. 12. No person shall be entitled to hold real estate in this Republic unless he be a citizen of the same. Nevertheless this article shall not be construed to apply to Colonization, Missionary, Educational, or other benevolent institutions, so long as the property or estate is applied to its legitimate purpose.

Sec. 13. The great object of forming these Colonies being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted continent, none but Negroes or persons of Negro descent, shall be eligible to citizenship in this Republic.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the second of two newsletters on relations between the United States and the People's Republic of China:

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

In the wake of "ping pong diplomacy," the improved atmosphere between the U.S and Peking may make it easier for the two countries to consider their differences. But it does not resolve them, and the problems that remain are enormous.

In two areas, however, action is possible.

Contacts: One way of assuring continued action on basic issues is to increase non-official contacts. The recent visit of our table tennis team was an important step in this direction, and Peking seems anxious to maintain people-to-people diplomatic efforts.

The U.S. has already gone quite far in liberalizing previous travel restrictions and encouraging greater contacts. The difficulty now is not in applying for a visa to travel in mainland China, but in having Peking grant it.

Trade: President Nixon has recently moved to end the total embargo on trade with Peking and to put our trade policies on the same basis as trade with the Soviet Union. Relaxation of trade policy would have more political significance than economic. While the export of specified strategic goods would continue to be forbidden, direct trade in other commodities could be approved. A list of these commodities is being drawn up for presidential approval, and should be announced soon.

Despite action in these two areas, substantial barriers to normal relations remain.

United Nations membership: The Republic of China on Taiwan is now a member of the U.N. and Peking is not. With the list of member nations supporting a U.N. seat for Peking growing, the U.S. is apparently faced with the choice of either agreeing to the admission of Peking and the expulsion of Taiwan, or supporting some kind of "two China" policy, which would provide U.N. seats for both Peking and Taiwan. One difficulty with a "two China" approach has been that Taiwan and Peking have both rejected it. If there is no such policy developed, there is little doubt that in time Peking will be seated in Taiwan's place.

Taiwan: The principal focus of discord in U.S.-Peking relations is the future of Taiwan. The U.S. is committed to the defense of Taiwan; Peking is committed to the recovery of the island, and its inclusion in the People's Republic. Neither country will abandon these basic positions, and there is no apparent solution. Resolution of this conflict of opinion may best be left to the Chinese themselves, with the U.S. acting only as observer.

Military posture: No amount of ping pong diplomacy can reconcile the differences between the U.S. and Peking over the Vietnam war. They are still backing opposite sides. Each still regards the other as a security threat. The U.S. can and should continue to maintain a credible military deterrent, but we can also lower our military profile in Asia which should help reduce the tensions existing between the two countries.

Recognition: The question of formal U.S. recognition of Peking, widely regarded as the crucial issue in our relations with China, is believed to be less important than many people have assumed. Progress in all the areas just discussed will have to occur before diplomatic recognition could take place. If the U.S. were to accord this recognition now, Peking would be likely to either reject or ignore that move.

The future of U.S.-Peking relations could bring a long, gradual process of mutual accommodation, leading to a situation similar to that now existing between the U.S. and the Soviet Union. Great problems and real dangers would persist, but the mechanisms for dealing with them and preventing conflicts would be far better than at present.

CONGRESSMAN DRINAN EXPOSES HISC AS WASTEFUL AND FUTILE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to share the thoughts of the Honorable ROBERT F. DRINAN, my distinguished colleague from Massachusetts, with all of my colleagues. Mr. DRINAN, a member of the House Internal Security Committee, has many considered and intelligent comments to make about the committee and I am sure his article will be of genuine interest to us all.

The material follows:

WASTEFULNESS AND FUTILITY OF HISC

(By ROBERT F. DRINAN)

Rep. Richard H. Ichord, chairman of the House Internal Security Committee, of which I am a member, took exception in The Globe of April 16 to an article written by S. J. Micciche of The Globe, Washington Bureau on March 14.

Chairman Ichord seeks to establish, in the seven points which he makes, his contention that at least since he took over the chairmanship of the committee at the beginning of the 91st Congress, the committee has extended procedural due process to all witnesses who have appeared before the group.

After Rep. Ichord has made his seven rather extensive points he concedes that he has "taken the offensive paragraph of Mr. Micciche out of context." His whole article was, of course, centered on the action of the House of Representatives in sustaining the majority view of the members of the House Internal Security Committee to the effect that the House should not obey the decree of a Federal Court in Chicago permitting indicted individuals before that Court access to documents in the files of the former House Committee on Un-American Activities. Rep. Ichord has no answer to Mr. Micciche's excellent point that such conduct was unjust except to say that the majority of the House of Representatives did not recognize the injustice of their vote to defy the mandate of a Federal Court decreeing discovery for persons accused of the serious crime of contempt of Congress.

It is ironic indeed that Rep. Ichord can

justify the refusal of access to records of the Committee on Un-American Activities to three defendants in Chicago even though they possess a Federal decree of discovery when, according to an admission made in 1967 by the Un-American Activities Committee, some 41 Federal agencies are given regular access to the information stored in the committee's dossiers. In the same report of HUAC which released this statistic it was noted that the Secretary of Defense admitted that his department had occasion to check HUAC's files "approximately 120 times a week." The U.S. Civil Service Commission admitted that about 288,000 searches of HUAC files had been made in the previous year in the course of employment investigation.

In view of these practices Mr. Micciche is substantially correct when he notes that the practice of the House Internal Security Committee is to take testimony, often hearsay, speculative and opinionated and "later publish it without affected individuals having been heard." Rep. Ichord may be technically correct in that the committee no longer engages in this practice in its open meetings but the staff of 49 employees of the House Internal Security Committee regularly collect derogatory information from undisclosed sources and add it to their data bank.

It also should be pointed out that nowhere in the rules describing the jurisdiction of the House Internal Security Committee can one find any authority for the data bank or the free reporting service maintained by that committee for Federal officials and agencies.

What is clear more and more is that the House of Representatives, a legislative body, through the instrumentality of the House Internal Security Committee is maintaining an unauthorized snooping and reporting service which provides the Executive Department with alleged information about American citizens all or some of which might be fiction or fantasy.

During last year the House Internal Security Committee spent over $450,000 in addition to the approximately $250,000 which the Committee gets automatically as a Standing Committee of the House of Representatives. These two sums, furthermore, do not include the tremendous annual expenditure in taxpayers' money which results from the expensive litigation caused by the activities of HISC. From the date of the creation of the committee as a standing unit of the House, January 3, 1945, 174 contempt citations have been issued by this committee. One hundred and forty two of these citations failed in court, either in trial or on appeal. The tremendous amount of money and effort expended by the Department of Justice on these citations, 80 percent of which failed, is not difficult to imagine. During this entire period, moreover, only 13 other citations for contempt were issued (i.e. during the period of 1945 to the present) by the other 20 Standing Committees of the Congress.

It is to be hoped that Mr. Micciche and many other journalists and newspapers will continue to examine the wastefulness and futility and indeed the entire irrelevance of the inquiries being made by the House Internal Security Committee, a group with the third largest staff of any of the 21 Standing Committees of the House of Representatives.

It is clear, of course, that the Federal government should investigate and prosecute crimes of espionage and treason. This task belongs properly to the Department of Justice and not to the Congress. Any investigation which might be necessary for any further laws in this area before Congress is prepared to act can and should be carried out by the Judiciary Committee of the House of Representatives.

COURT REBUKED ICHORD ON "RADICAL" LIST

(By S. J. Micciche)

WASHINGTON—Last fall, the US District Court in Washington prohibited the publication of a report by the House Internal Security Committee.

It was an unprecedented action.

Rep. Richard H. Ichord (D-Mo.) HISC, chairman, protested the injunction was a judicial infringement upon the work of a committee of Congress.

But in issuing the injunction Judge Gerhard Gesell found the report was "intended only for exposure and intimidation," serving no legitimate legislative purpose and violating the Constitution's First Amendment right of free speech.

The report identified 57 individuals whom the committee conceived of as "radicals" and who were paid fees for campus speeches.

A member of Ichord's committee Rep. Louis Stokes, (D–Ohio), labeled the report a "blacklist . . . having as its single intention to discourage those the committee finds to be 'radical extremists' from speaking on college and university campuses."

The report was a compilation of responses to a questionnaire sent by the committee to selected colleges asking them to list their outside speakers and the fees paid to them over a two year period, 1968–1970.

The committee ostensibly undertook the task to determine if "honoraria might be a substantial source of revenue for the revolutionary movement."

Ninety-nine colleges replied to the committee, representing 3.8 percent of the 2551 colleges in the nation.

These replies produced for the committee the names of 1168 speakers who had appeared over the two year period. And of these, the committee culled out 57 who "were identifiable" as having "had membership in or provided support" to "revolutionary, radical" organizations, several of which were concerned with ending the war in Vietnam.

Though the 57 "radicals" represented less than 5 percent of the 1168 campus speakers, the committee concluded:

". . . The limited sampling is sufficient to alert the Congress, college and university administrators, faculty, alumni, students and parents to the probable extent of campus guesoratory in promoting the radical revolutionary movement."

The 57 designated "radicals" received a total of $102,600, averaging roughly $1800 each—over two years. However, the committee reported:

"The Congress of the United States can reasonably conclude that the campus-speaking circuit is certainly the source of significant financing for members or supporters of organizations promoting disorderly violent and revolutionary activity."

No hearings were held. No witnesses were summoned. No determination was attempted of the character of the speeches delivered.

Yet, this listing of 57 "radicals" was to fortify the committee's concern over the "rapid escalation of extremism that has produced such violence as rioting, bombing, sabotage, arson, murder, in addition to terroristic attacks."

Certainly, Ichord subscribes to "law and order." But he has an advantage over the ordinary citizen or "radical." When the law doesn't suit him, he has managed to pass a law that does.

This is what he did last December to get the controversial report published by the Government Printing Office.

Rather than await the appeal process from the injunction, Ichord successfully impressed his House colleagues with his complaint of judicial infringement. At his urging the House approved an order directing the publication of the report and threatening anyone who interfered with contempt of Congress even in "acting under color of office."

Again in March, Ichord persuaded the House to permit him to refuse to abide by a Federal court order to produce records for pre-trial discovery use of defendants charged with contempt of Congress six years ago by his committee's predecessor, the House Un-American Activities Committee. The court held the defendants were entitled to them.

Being content with the agreement of colleagues should not be as satisfying as being found right under equality of law . . . and justice.

HOUSE CHAIRMAN DISPUTES GLOBE ARTICLE

S. J. Micciche of your Washington Bureau, (Sunday Globe, March 14), has made misstatements of fact concerning the work of the House Committee on Internal Security (HCIS) of which I am chairman. I am quoting below the inaccurate paragraph followed by my clarifying comments.

According to Mr. Micciche, "The practice of these committees is to take raw testimony in secret, often hearsay, speculative and opinionated, and later publish it without affected individuals having been heard. The result is too often a composite by inference and innuendo of allegations unsupported by evidence."

Point 1: that the HCIS takes "raw" testimony. The committee records will show that no testimony has been taken in an investigative hearing since I took over the chairmanship at the beginning of the 91st Congress without both the facts and the background of the witness first being checked.

Point 2: that HCIS testimony is taken "in secret." My committee has the second best record in the House for holding open hearings. The only closed investigative hearings were held (a) at the specific request of the witnesses who feared physical harm if they testified publicly (3 instances) and (b) for the purpose of taking testimony which the committee members felt might tend to degrade or defame a person. In the latter instances this testimony was not released until more than reasonable efforts had been made to contact the affected person and give him an opportunity to comment on the allegation. In the course of the investigations of the Students for a Democratic Society, the communist infiltration of the New Mobilization Committee to End the War in Vietnam, and the Black Panther Party, committee investigators personally contacted many of the persons in leadership positions for the precise purpose of giving them the opportunity to be heard. These personal contacts were followed up by letters affording these persons still another opportunity to make any statements desired. In addition the Committee invited in witnesses who spoke in defense or explanation of the activities of the organizations under investigation. These witnesses were treated courteously, their statements were listened to carefully, and were published in full.

Point 3: that testimony taken at HCIS hearings is "often hearsay". This is true for the very practical reason that no congressional committee could collect the large body of facts needed for legislative background if the rules of evidence were strictly applied. But when a law enforcement officer, for example, testifies under oath before me concerning statements made to him by others and testifies further that his sources cannot be revealed for reasons of personal safety and-or the continued effectiveness of the officer's investigative responsibilities, the test of reasonableness justifies its acceptance as part of the entire body of information to be considered.

Point 4: that the testimony taken is "often speculative." In the sense that the testimony is "idle or casual" (presumably Mr. Micciche's meaning), this is not true. Neither I as chairman of the full committee, nor the other members when acting as chairmen of subcommittees, have permitted any digressions from the purpose of the testimony.

Point 5: that the "practice" of the HCIS is to take "opinionated" testimony. In the sense that the committee seeks biased testi-

mony this is not true. In the sense that witnesses have testified concerning a "view, judgment, or appraisal formed in the mind about a particular matter" (Webster) this is true. One of the most valuable contributions a public official (or an unfriendly witness, for that matter) can make at a congressional hearing is to furnish his opinions. It is these opinions founded on personal experience which, when coupled with facts, permit members of congress to reach useful conclusions.

Point 6: that the HCIS publishes testimony without affected individuals having been heard. If affected individuals have not been heard it is their choice, not the committee's. As I have noted, ample opportunities have been given to affected persons to testify or furnish written comments. Any written comments received have been made a part of the published record.

Point 7: that the result of HCIS hearings "is too often a composite by inference and innuendo of allegations unsupported by evidence." That is not true. Our published hearings speak for themselves and no reasonable person who takes the time to read them will find that they contain anything other than overwhelming factual evidence.

I have, of course, taken the offensive paragraph of Mr. Micciche out of context. The import of his entire article was that the House of Representatives was wrong in voting not to honor excessive demands for production of old records of the former House Committee on Un-American Activities for use of defendants in a Federal court action. 63 members of the House were in agreement with Mr. Micciche. 291 were not.

Jay Epstein, writing in the New Yorker magazine recently, exposed the gullibility of the press in accepting unproved allegations concerning Black Panther killings. He performed a much needed service in reminding our news publishers that although unproved allegations, however wild, are proper grist for the news mill there is still an obligation for newsmen to verify their stories. Mr. Micciche of your newspaper has himself done precisely what he accuses my committee of doing and I am disappointed that Mr. Epstein's widely publicized lesson in elementary journalism has been so little regarded.

RICHARD H. ICHORD,
Chairman.

WASHINGTON, D.C.

LAOS: A LAKE OF BLOOD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. FRASER. Mr. Speaker, a legal resident of Minnesota, Mr. James E. Malia, is the director of the International Voluntary Services program in Laos. I ask permission to insert in the RECORD after these remarks two letters, one addressed to me, the other to the President, written recently by Mr. Malia. I also want to place in the RECORD an April 7, 1971, New York Times piece by Fred Branfman entitled "A Lake of Blood."

Mr. Speaker, we should not be surprised by these descriptions of the decimation of the Lao and Meo people in Laos. The Senate Judiciary Subcommittee on Refugees and Escapees, chaired by the senior Senator from Massachusetts (Mr. KENNEDY), has made our role in this slaughter "perfectly clear." See the February 24, 1971, RECORD on page 3786 for a number of press articles detailing the human costs of the "unknown war" in Laos.

As Mr. Malia writes the President:

We recognize that ours is not the only violence against these people. We condemn also the destruction and killing brought by the North Vietnamese. But we do not believe that their presence in Laos, nor the presence of an indigenous Communist movement, justifies U.S. military activity against an entire society.

Few of those who live in the geographical area of Indochina known to us as Laos have any understanding of Laos as a nation. U.S. involvement in that tragic land has, in conjunction with the aggressive Vietnamese, insured that hundreds of thousands, already dead, or dying or marked for death, will not live to be Laotians. To talk of self-determination in such circumstances is hypocrisy. U.S. noninvolvement will not lead to either a bloodbath or most likely, to Vietnamese withdrawal. But as Mr. Malia concludes his letter to me:

The peoples of these countries, who must live with the solutions to their mutual problems, must be allowed to work them out amongst themselves. The results may not be acceptable to us, but they will undoubtedly in some way be acceptable to those who must live with them. This is what is most important.

Our intervention in Laos has made the ultimate reconciliation more difficult and it will be most likely less advantageous to the peoples of Laos. The lesson is clear. In areas not vital to our national security, any military intervention must have the sanction of the world community and it must be agreeable to those peoples most intimately involved in the area. Any other policy can only lead to other Laotian tragedies.

The material follows:

INTERNATIONAL VOLUNTARY SERVICES, INC.,
APO San Francisco, March 18, 1971.

Hon. DONALD FRASER,
House of Representatives,
Washington, D.C.

Sir: I am a resident of Minnesota and am presently the Director of the International Voluntary Services program in Laos. I have been in Laos for the past three and a half years and thus feel that I speak with some credibility when talking about Laos, its people, and what the American military presence is doing to these people and this country. It is my conviction that the American military presence in Laos and the para-military activity that supports it is not in the best interest of Laos or its people and that it should be withdrawn by the end of this year.

A basic reality in Southeast Asia is North Viet-Nam. They are a strong, competent, aggressive people. The other peoples of Southeast Asia must in some way come to terms with them. This is not a new phenomena as for the past five hundred years peoples in this part of the world have had to in some way reconcile themselves with North Viet-Nam. This is still the case today. Continuing American involvement in Southeast Asia only forestalls this reconciliation and at a price devastating to the indigenous people and to ourselves.

In Laos, a land of diverse ethnic groups, cultures and traditions, we have used these divisions in our cause against Communism and North Viet-Nam. The Central Intelligence Agency arms and directs an army of tribal people, mostly Meo, against the communist insurgents and the North Vietnamese. With money we have exploited their traditional desire for independence for our objectives. For the Meo it has meant the destruction of nearly half their population and the establishment of a nearly irreparable breach between these people and the North Vietnamese. Now we arm boys to do most of the fighting. They have little training and little chance against the well trained Pathet Lao and North Vietnamese troops. Why do we continue to support this carnage? Isn't it time that someone said stop?

In the whole of Laos we support a right wing government controlled by the military. We have paid off the generals and upper class elite to keep the government loyal to us so as to be a vehicle through which we can carry out our objectives in Laos. We support an army which must conscript at gun point and which is slowly ridding the country side of its young men. To what end is all this?

We have bombed civilian areas in a systematic destruction of the human basis for society. People, homes, and communities were destroyed. Finally, when given the chance, the people left their homeland to come to an area where the Americans do not bomb. Is this in the best interest of Laos' people?

Laos and its people are slowly being destroyed by a continuing American military presence that uses this country and these people in our fight against communism. President Nixon's Vietnamization policy will only continue to use these people for the protection of American lives, for the perpetration of American objectives. Such activity is demeaning to a country which espouses to values of human dignity and equality. Thus I would urge that in your capacity as a United States Representative you do all that is possible toward bringing about a swift and total withdrawal of all American military activity in Laos and in Southeast Asia. The peoples of these countries, who must live with the solutions to their mutual problems, must be allowed to work them out amongst themselves. The results may not be acceptable to us, but they will undoubtedly in some way be acceptable to those who must live with them. This is what is most important.

If I can be of any help to you in the future, please do not hesitate to ask.

Sincerely,

JAMES E. MALIA,
Director, IVS, Vietiane, Laos.

VIENTIANE, LAOS,
March 15, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

Sir: We are deeply distressed by your decision to encourage and to support the South Vietnamese invasion of Laos. We have heard and read your explanations of this decision, in terms of shortening the war and protecting American lives. But we know that the military reality will be further chaos and further suffering among people who have already suffered much because of American military activity. We condemn this policy which uses the Lao people as pieces in a grand global design which they neither understand nor care about. Though there would still be fighting without the American involvement, the intensity of the present destruction takes place for reasons which have virtually nothing to do with local political alignments or conditions. We condemn also the eagerness to protect American lives by the sacrifice of Asian lives.

We are not military experts or political analysts. We are volunteers concerned for our fellow man, working to help them in agriculture, social welfare, community development, and education. Collectively, we have lived and worked among the Lao people for many years, speaking their language, coming to know and understand many of their concerns. During this time, we have also come

to know the destruction and sorrow brought to them by the United States military action.

The extensive bombing of civilian areas is particularly vicious. In talking with refugees, we have heard what the days and nights under bombardment are like. Refugees tell of being forced to live in holes and caves, of having to farm at night, of the systematic destruction by U.S. war planes of the human basis for a society. These people were not soldiers, nor were there soldiers in their villages. Yet they were bombed; their homes were destroyed and anti-personnel bombs were dropped to kill and maim people on contact. Children were particularly vulnerable. So now these people have fled their homeland to live in resettlement villages in areas where the United States does not yet bomb.

The CIA trains and supports its own clandestine army in Laos. A large proportion of the soldiers in this "secret" army are from the Meo and other tribal groups. The U.S. has exploited their traditional toughness and independence in our own crusade against Communism. The result has been the decimation and dislocation of the tribal populace.

The Meo have lost nearly half their male population, and much of the fighting is now done by young boys with little training of any kind. Much of their traditional culture has been destroyed in the repeated forced migration into inhospitable but "safe" areas. Our use of these people has also opened a nearly irreparable breach between the tribal people and the North Vietnamese. The need in Laos, as official American statements supposedly recognize, is for reconciliation, not greater division, greater bitterness.

Yet now, with strong backing from U.S. military forces, the South Vietnamese are fighting in southern Laos. This has upset a delicate status quo and expanded the fighting once more into populated areas west of the invaded territory, as well as aggravating already serious fighting elsewhere within Laos. It can only be described as an escalation of this war, if not for American soldiers, then certainly for the Lao people. And these people are also worthy of our concern, and yours.

We condemn the United States military activity in Laos and ask that you act immediately to end the wholesale destruction of lives and of Lao society. We recognize that ours is not the only violence against these people. We condemn also the destruction and killing brought by the North Vietnamese. But we do not believe that their presence in Laos, nor the presence of an indigenous Communist movement, justifies U.S. military activity against an entire society. It is not in the interests of the people we are trying to help. Nor is it in the long range interests of the United States. We simply cannot base our policy towards Laos, or toward Southeast Asia, or toward any part of the underdeveloped world, on our own selfish concerns for global order. There must be and will be fundamental change in these areas of the world. It would be more in keeping with both the ideals and the interests of the U.S. to help make these changes. Instead, United States policy has made them more and more difficult, arming one group against another, reinforcing the economic and political imbalance between the rural population and the urban elite, and polarizing political forces to discourage national and regional cooperation.

Your responsibility extends beyond the creation of a situation in which no more Americans are being killed. The United States can and should encourage an atmosphere that would allow the dissident factions fighting in Laos and the rest of Indo China to work out their own solutions to local problems. U.S. policy may influence some of the decisions, but no lasting solution will come from the imposition of a rigid framework determined primarily by short range interests of the United States.

Sincerely,

T. Hunter Wilson, James E. Malia, Fred Cunningham II, Jane Stone, Steve Stone, LeRoy Battcher, Joyce Battcher, Linda Durnbaugh, Allen Inversin, Cornelis M. Keur, Beth E. Hansen, Fred J. Evans, John C. Kiechle, Steven A. Bunck, Jermain D. Porter, Richard H. Burkhart, Henry F. Thorne, Allan W. Best, Valdemar Petersen, James R. Bowman, Elizabeth J. Wiggans.

A Lake of Blood

(By Fred Branfman)

(Note.—Fred Branfman, an American freelance writer fluent in Laotian, was an educational adviser of Interntional Volunteer Services.)

I have recently returned from Laos, where I spent the last four years. During the last year we interviewed over 1,000 refugees from northeastern Laos and the four provinces in southern Laos through which the Ho Chi Minh Trail runs. They had left these Pathet Lao-controlled areas, which are today inhabited by an American-estimated half-million civilians.

Each, without exception, said that his village had been totally leveled by bombing. Each, without exception, said that he had spent months or even years on end hiding in holes or trenches dug into foothills.

The refugees say that the bombing began in 1964. One twenty-year-old boy from Khangkhai, in northeastern Laos, describes it: "The bombing began first on the Plaine des Jarres, then at Khangkhai. Everyone seemed afraid because we had never seen anything like this, and we didn't even know where the planes came from. But we knew they were jets because the noise was like one made by the thunder."

When asked why they did not keep on the move, one mother of three explained, "How could we? We had to try and grow enough rice to survive. The children and grandparents could not live a life of constant movement. And we had to try and care for our buffalo and cows, our belongings."

It is of 1969, however, when American jets bombing North Vietnam were diverted into Laos, that the refugees speak most. When asked how often the planes came, they uniformly report that they "cannot count." As an old leathery-faced man put it, "The planes came like the birds, and the bombs fell like the rain."

One 37-year-old rice farmer said: "In the region of Xiengkhouang there came to be a lake of blood and destruction, most pitful for friends and children and old people. Before, my life was most enjoyable and we worked in our ricefields and gardens. Our progress was great. But then came changes in the manner of the war, which caused us to lose our land, our upland and paddy ricefields, our cows and our buffaloes. For there were airplanes and the sounds of bombs throughout the sky and hills. All we had were the holes."

But though the people spent most of their time hiding in caves and tunnels, they were forced to go out at least once a day. They had to try and grow enough rice or manioc to survive; to pound rice, relieve themselves or beg food from better-off neighbors; to graze and water livestock, for whom they felt a strong bond of affection. As one old man put it, "My buffaloes were a source of 100,000 loves and 100,000 worries for me."

When they did, there was a good chance they would be riddled by anti-personnel bombs, shredded by fragmentation bombs, burned by napalm or buried alive by 500-pounds bombs.

A 35-year-old man who, sitting baretorsoed in a small hut one day, explained: "Me Ou was my mother-in-law. She was 59 when she died on February 20, 1968. The jets had come over about 10 A.M. and she was hiding in our trench with the rest of my family. It was cold and she was an old lady. She decided to leave the trench about 3 P.M. to get some clothing for the children and herself. She went into our house about twenty yards away. Suddenly the jets came again and bombed our village. She didn't have time to get out of the house. She was burned alive."

The Plaine des Jarres is today a deserted wasteland.

One 35-year-old woman from the Plaine des Jarres has written: "Every day and every night the planes came to drop bombs on us. We lived in holes in order to protect our lives. There were bombs of many kinds . . . I saw my cousin die in the field of death. My heart was most disturbed, and my voice called out loudly as I ran to the houses. Thusly, I saw the life of the population and the dead people on account of the war with many airplanes in the region of Xiengkhouang. Until there were no houses at all. And the cows and buffalo were dead. Until it was leveled and you could see only the red, red ground. I think of this time and still I am afraid."

In spite of all they have been through, the people we have talked to are relatively fortunate. They are out from under. Today millions of civilians in Laos and Cambodia remain under precisely the same conditions.

It must be understood that the guerrillas of Indochina have long since learned to keep on the move constantly through the forest in small groups, mostly at night; that our infra-red scopes cannot locate them, and our jets bombing at 600 miles an hour cannot hit them; that even the United States Air Force does not pointlessly drop ordnance in the forest; and that as more airplanes are made available, the purpose of the bombing becomes, in the words of Robert Shaplen, writing in Foreign Affairs of April 1970, "to destroy the social and economic fabric in enemy areas."

We are carrying out "tactical air support" for troops in combat, and "air interdiction" against trucks, to be sure. But we are at the same time practicing the most protracted bombing of civilian targets in history.

VA VOLUNTARY SERVICE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. LONG of Maryland. Mr. Speaker, this year marks the 25th anniversary of the Veterans' Administration Voluntary Service, which coordinates volunteer programs in the Nation's VA hospitals. Volunteers in these hospitals perform an invaluable service by providing extra care and assistance to patients which doctors and nurses do not have the time to give. The challenge of the 1970's will be caring for the nearly 300,000 men who have been wounded in Vietnam. As demands on the professional nursing and medical staff increase, the role of volunteers and the need for their personal care and attention to veterans becomes more and more significant.

Last year, volunteers at the Fort Howard Veterans' Administration Hospital contributed more than 27,800 man-hours of service, under the supervision of Dr. Saul Fortunoff, director of the hospital. I would like to pay tribute to the men, women, and organizations who donated

their time and service to the Fort Howard VA Hospital by including their names in the CONGRESSIONAL RECORD, as follows:

THOUSAND HOURS OF SERVICE AND HAVE SERVED AT LEAST ONE HUNDRED HOURS DURING THE PAST YEAR.

Teresa Kupfer, 19,234 hours, American Legion Auxiliary.
Jane Connor, 18,100 hours, Veterans of Foreign Wars Aux.
Minnie McDonnell, 7,849 hours, American Legion Auxiliary.
Minnie Henry, 6,936 hours, Service Star Legion.
Helen Johnson, 5,929 hours, Veterans of Foreign Wars Aux.
Edward Cross, 4,417 hours, Veterans of Foreign Wars.
Grace Deily, 3,769 hours, American Red Cross.
Madeline Offley, 3,372 hours, American Red Cross.
Roberta Weber, 3,274 hours, Veterans of Foreign Wars Aux.
Richard Binick, 2,847 hours, Disabled American Veterans.
Lillian Yaniger, 2,689 hours, Jewish War Veterans Auxiliary.
Rena Skiles, 2,039 hours, American Red Cross.
Mary Govoni, 1,988 hours, American Red Cross.
Joseph Manko, 1,920 hours, Catholic War Veterans.
Lillian Morrison, 1,612 hours, Veterans of Foreign Wars Aux.
Marion Salter, 1,564 hours, American Red Cross.
Bernard Morenz, 1,559 hours, Veterans of World War I.
Pauline Tarlton, 1,420 hours, American Legion Auxiliary.
Jane Bessent, 1,353 hours, Veterans of Foreign Wars Aux.
Melvin Piker, 1,346 hours, Disabled American Veterans.
Pearle Garrison, 1,286 hours, American Red Cross.
Margaret Livingstone, 1,225 hours, American Red Cross.
Alice Levoff, 1,154 hours, St. Thomas Church.

CERTIFICATES OF RECOGNITION TO ORGANIZATIONS

American Gold Star Mothers.
American Legion: Department of Maryland, Montfaucon Post #4; Waverly Post #164; Parkville Post #183; Sons of the Legion—Squadron #183.
American Legion Auxiliary: Department of Maryland, Dundalk Unit #38; Parkville Unit #183; Rosedale Unit #180.
Boumi Temple, Legion of Honor.
Catholic War Veterans—Mt. Carmel Post #706.
Catholic War Veterans Auxiliary: Department of Maryland, Mt. Carmel Unit #706.
Disabled American Veterans—Chapter #21.
Dundalk Eagle.
Dundalk Times.
First Baptist Church of Dundalk.
Jewish Armed Services Committee of Baltimore.
Jewish War Veterans—Department of Maryland.
Jewish War Veterans Auxiliary—Department of Maryland.
Kenwood Television Service.
Knights of Columbus—Santa Maria Council 1733.
Military Order of the Cootie—Pup Tent #4.

100 HOURS

Zorha Alam, American Red Cross.
Gladys Ruffin, The American Red Cross.
Kathy Minarovic, The Catholic High School.
Charmie Stallings, First Baptist Church of Dundalk.
Mable Huffman, Inverness Presbyterian Church.
Edward Szetela, Knights of Columbus.
Gloria Brown, Nonaffiliated.
George Cunningham, Nonaffiliated.
Anne Cox, Nonaffiliated.
Mary Ellinger, Nonaffiliated.
Anne Goetz, Nonaffiliated.
Carolyn Peeples, Nonaffiliated.
Roberta Poland, Nonaffiliated.
Lydia Rothwell, Nonaffiliated.
Lois Rhind, Nonaffiliated.
Betty Stenger, Nonaffiliated.
Diane Beachy, Sparrows Point High School.
Sheila Bloss, Sparrows Point High School.
Theresa Gasker, Sparrows Point High School.
Mary Ray, Sparrows Point High School.
Ethel Kralick, 29th Division Association Auxiliary.
Paul Crutchley, Veterans of Foreign Wars.

500 HOURS

Mary Ambrosetti, *(300 hours), American Legion Auxiliary.
Mary Carroll, St. Thomas Church.
Mildred Bryant, *(300 hours), Veterans of Foreign Wars Auxiliary.

1,000 HOURS

Margaret Livingstone, American Red Cross.
Richard Hartman, Sparrows Point High School.
Jane Bessent, Veterans of Foreign Wars Auxiliary.

1,750 HOURS

Joseph Manko, Catholic War Veterans.

2,500 HOURS

Richard Binick, Disabled American Veterans.
Edward Cross, Veterans of Foreign Wars.
Lillian Yaniger, Jewish War Veterans Auxiliary.

100 HOURS

Rita Clark, Veterans of Foreign Wars Auxiliary.
Sophia Kowlaczyk, Veterans of Foreign Wars Auxiliary.
Louise Kraemer, Veterans of Foreign Wars Auxiliary.
Lorena Nolan, Veterans of Foreign Wars Auxiliary.
Dorthey Thompson, Veterans of Foreign Wars Auxiliary.
Joyce Wolfkill, Veterans of Foreign Wars Auxiliary.
Rose Wratchford, Veterans of Foreign Wars Auxiliary.
Thelma Zepp, Veterans of Foreign Wars Auxiliary.

300 HOURS

Thomas Tarlton, American Legion.
Rose D'Amario, American Red Cross.
Doris Hyer, Catholic War Veterans Auxiliary.
Alice Ann Abott *(100 hours), Lodge Forest Methodist Church.
Thomas Abrahms, Non-Affiliated.
Leona Storey *(100 Hours), Non-Affiliated.
Deborah Clark *(100 Hours), Sparrows Point High School.
James Fay, Sparrows Point High School.
Harry Klump *(100 Hours), Sparrows Point High School.
Earl Bessent *(100 Hours), Veterans of Foreign Wars.
James Flynn, Veterans of Foreign Wars.
John Willinger, Veterans of Foreign Wars.

CERTIFICATES OF RECOGNITION TO ORGANIZATIONS

Mothers of Men In Service.
Musicians Union of Baltimore City.
National Catholic Community Service.
Navy Mothers Club—#733.
Order of the Eastern Star: Grand Chapter: Chapter #99; Chapter #100.
Pride in Retirement.
Salvation Army.
Supreme Cootiette Club—Annie Oakleys #641.
The Smith Family.
Tri State Elks Association.
Veterans of Foreign Wars: Department of Maryland; Wells McComas Post #2678; Dundalk Post #6694; Gray Manor Post #9743.
Veterans of Foreign Wars Auxiliary: Department of Maryland; Dundalk Unit #6694; Gray Manor #9743; Wells McComas #2678; Violetville #476; Middle River #8849.
Veterans of World War I, Department of Maryland.
Veterans of World War I Auxiliary, Department of Maryland.
Women's Garden Club of Dundalk.

VAVS ADVISORY COMMITTEE

American Gold Star Mothers.
American Legion.
American Legion Auxiliary.
American Red Cross.
Boumi Temple, Legion of Honor.
Catholic War Veterans.
Catholic War Veterans Auxiliary.
Department of Maryland, 29th Division Assoc.
Department of Maryland, 29th Division Assoc. Aux.
Disabled American Veterans.
Disabled American Veterans Auxiliary.
Elks National Service Commission.
General Federation of Women's Clubs.
Jewish Armed Service Committee.
Jewish War Veterans of the United States.
Jewish War Veterans of the United States Auxiliary.
LeGrande Voiture De Maryland.
Military Order of the Cootie.
Military Order of the Cootie Auxiliary.
Military Order of the Purple Heart.
Military Order of the Purple Heart Auxiliary.
Moms of America.
National Catholic Community Service.
National Service Star Legion.
Navy Mothers Clubs of America.
Order of the Eastern Star.
Salvation Army.
Supreme Cootiette Club of the United States.
Veterans Corps. Fifth Regiment Infantry.
Veterans of Foreign Wars.
Veterans of Foreign Wars Auxiliary.
Veterans of World War I.
Veterans of World War I Auxiliary.

*Other certificates, of lesser hours, achieved during this past reporting period.

A PROPOSAL FOR ENHANCING THE PLAYWRIGHTS CONDITION: TRY-OUT PRODUCTIONS FOR ALL SCRIPTS UNDER GUILD AUSPICES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mrs. ABZUG. Mr. Speaker, a large number of creative persons—playwrights, composers, painters, and so forth—reside and work in my district. One of the most talented of these individuals, Dr. Arthur Jasspe, has written a proposal that would enhance the playwright professionally under the auspices of the Dramatists Guild, an Association of Creative Artists. This innovative continuing adult education proposal merits the attention of both the National Foundation of the Arts and the U.S. Office of Education.

Dr. Jasspe's statement follows:

A PROPOSAL FOR ENCHANTING THE PLAYWRIGHT CONDITION: TRYOUT PRODUCTIONS FOR ALL SCRIPTS UNDER AUSPICES

As I was saying (*Dramatists Guild Quarterly*, Fall 1969), the purpose of the Dramatists Guild is to enhance the playwright professionally, artistically, financially.

The art of the dramatist must be presented as other arts are not. In painting, music, a wrong note or a wrong chord is a wrong line or color is overlooked. In music, a wrong note or a wrong chord is passed by. In poetry, in fiction or nonfiction, a grammatical mistake or a typographical error can be disregarded. But in dramatic art, a wrong light, a wrong line, a miscuse of any sort destroys the evocative, emotional effects of the play and the mood of the play immediately.

The playwright cannot be his own observed in the sense that the painter, the sculptor, the novelist, the poet, the composer can. The painter or the sculptor needs only to step away from his work to become his own observer. The novelist or the poet needs only to read his own works, the composer to play over his composition on the piano. If the musical work be a symphony, the interpretive artists need only to *read* their assigned parts to present a proper integrated performance (witness all the "conductories" orchestras that have appeared).

Dramatic art, however, requires interpretive artists who must *memorize* their assigned parts to bring forth the environment, ecology, emotions and interpersonal relations conceived by the dramatist in the making of his or her play. To the actors must be added the artists in scene design, lighting, and costume, technical personnel of the stage—carpenters, electricians, property men—stage managers who coordinate stage effects, and front-of-house personnel who care for the audience. The stage director must function like the orchestra conductor, bringing the creative vision of the dramatist in all its fullness and richness to the audience. Only when all this has been done can the dramatist become his own observer.

When the dramatist has thus become his own observer, then the play can be rewritten for professional production, first class. Witness all the previews, all the out-of-town tryouts at which plays have been whipped (sic) into shape, i.e., rewritten, finished and polished for first class professional production.

Therefore a training program should be organized and centered around and about the professional society of the creative artist in drama, the Dramatists Guild. For without the dramatist there would be no plays, no theater and no employment for theater personnel.

The training curriculum for this program to enhance the playwright professionally and artistically should provide for five weeks of rehearsal and one week of performance for all scripts, with no admission charges and no tuition or fee charges. The more stages and rehearsal halls we have, the more plays we will be able to produce and present. The only criterion in the choice of playwrights is membership in the Dramatists Guild. Guild membership indicates the flair, the ability, the talent and the desire to do professional work in dramatic art. And only personal talent, properly trained, encouraged and enhanced, will show how good a professional dramatist this particular member of the Guild will become.

We must be entirely objective, we cannot be selective, in the choice of plays and playwrights. Selectivity will destroy the purpose of this program which is designed, after all, for the entire membership of the Dramatists Guild. Chronological age ("for young playwrights"), putative ability ("from an author of your talent or anyone you recommend") and other such selective factors are discriminatory against the membership entity of the Guild.

University affiliations would not benefit us. Universities are concerned with matriculating students and granting degrees. University affiliation would drag us into student, faculty and university policies and politics.

We must do it all ourselves! Only in this way can we have the proper kind and type of program for the membership of the Guild. And we must gather around us the other professional societies and unions in the theater: Actors Equity, Society of Stage Directors and Choreographers, Lambs Club, United Scenic Artists, Local 1, Local 802, the costumers, the house personnel, the League of New York Theaters and all the others concerned. If we have to join the Lambs Club to use their stage, let us join in a group as in group insurance. The more playwrights that can participate in this program, the more professional plays there will be. The more plays, the more theaters will be open (the Longacre and Ritz are vacant now, the Hudson and the Henry Miller are movie houses—all of these and more should be presenting live professional plays by members of the Dramatists Guild).

The president of the Dramatists Guild should call together the president of all the other organizations in the theater to get this program started—a Council for Action, so to speak; they are all involved here and are all more or less dependent on the playwright and the development and enhancement of the art of the dramatist.

Here is the method we should use: a play—good, bad, or indifferent—comes into the Dramatists Guild office. The author's paid-up membership is checked and verified. The scripts are numbered consecutively as they arrive in the Guild office, indexed and cross-indexed as to number, author and title, and filed seriatim. Enter the director, who is given the play per its numeration. And this is the play—good, bad, or indifferent—he must stage. The director is informed of the Dramatists Guild rules and regulations: no changes in the play without the written consent of the author, and so forth. The call then goes through to Equity regarding the requisite number of actors, viz: "Mr. Charles Gordone has written a play. Please send fifteen actors to play it" (*No Place To Be Somebody*), or "Mr. Neil Simon has written a play. Please send four actors to play it" (*Last of the Red Hot Lovers*), or "Mr. Unknown Author has written a play. Please send thirty actors to play it," and so forth.

Musicals may require special handling, as may scenery—plastic or fixed. But properties and lighting—emotional, evocative lighting—we must have to bring out the values of the play. Mere illumination will not do; it is most disturbing to the audience for it wrecks and destroys the mood. No more the open-air, daylight, Globe Theater—the bright sunlight—the noon gun—and the costumed player entering with flaming torch: "Now is the very witching hour of midnight." Theater conventions have changed to evocative, emotional, mood lighting.

The results of this Guild training program—to parallel the statement of Epictetus given by Elmer Rice, former president and one of the founding fathers of the Dramatist Guild—are:

I. The Dramatist will write, admirably, the play conceived by him.

II. The Actor will play, admirably, the role assigned to him.

III. The Director will stage, admirably, the play given to him.

IV. The other persons working in the theater will complete, admirably, the tasks devolved upon them.

And then, in consequence and in denouement, the dramatist, will, admirably, be enhanced financially.

CHERYL ELLER ON SHEPARD

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MONAGAN. Mr. Speaker, the recent confirmation of astronaut Alan B. Shepard's nomination to admiral serves as only a token of appreciation from a grateful Nation. Admiral Shepard is a source of great pride to all of us. His career has spanned the duration of our successful space program, and his accomplishments symbolize the accomplishments of our entire efforts in this field.

One of my constituents, Miss Cheryl Eller of Danbury, Conn., has had the good fortune of talking with Admiral Shepard personally in her capacity as a free lance writer on space-related matters. I would like at this point in the RECORD to include several excellent articles Miss Eller has written on Astronaut Shepard.

The articles follows:

TRIBUTE TO ASTRONAUT SHEPARD

(By Cheryl Eller)

Astronaut Alan B. Shepard, Jr., 47, America's first man in space and Commander of Apollo 14 shies away from saying he plans to retire or enter politics. He does not shy away from discussing future space flights.

The Navy Captain, an Admiral-to-be pending Senate confirmation, was in Hamden Thursday to dedicate an elementray school and in New Haven for a testimonial dinner of the New Haven Advertising Club.

During a news conference staged by intermediate grade students at Hamden's ultra-modern Ridge Hill School, Shepard said that given the chance of another space mission, "I would go—very quickly!"

Extrapolating for adults during his tour of the school, Shepard said, "In another generation we'll see manned flights throughout the solar system."

He went on to say, "We'll see women in space also before too long—certainly by the time these kids have grown up."

At a news conference in New Haven's Park Plaza Hotel Thursday, Shepard said the next three lunar landings will be followed by the Skylab series starting in 1973. He said these earth orbiting stations will give scientists a chance to study man's physiological reaction to long duration flights.

He noted that Skylab will provide astronomers with spacebound solar observatories and aid ecologists in mapping the earth's surface for those areas most tillable and abundant with food.

Shepard said, "Terminating the moon program after three more flights is a good idea. I think we should probably not revisit the moon for another 25 years because after Apollo scientists will have enough to keep them busy for a long time."

He expressed concern about this nation's space shuttle program, however: "I think we could put more money into that."

Shepard contended that space money can best benefit the country by being spent for space. Noting the disparity between poverty and space expenditures, Shepard said the 1972 budget for health, education, welfare and social oriented programs calls for $96 billion as opposed to $3.2 billion for space—a ratio of 30 to one.

In terms of the public's overall attitude towards space exploration Shepard said, "I would much rather have the public consider as I do that space is here to stay."

FEATURE STORY

(By Cheryl Elier)

If there's anything I enjoy more than watching a space flight, it has to be watching a spaceman—especially if his name happens to be Captain Alan B. Shepard, Jr.

Most of my friends know me and my eccentricities quite well by now. Lino Enteado of 12 Orchard St., a free-lance photographer friend of mine, has been especially indulgent of my more way-out projects.

Lino and I have each requested invitations from NASA to attend the launch of Apollo 15 scheduled for July 26th so agreeing to go to Hamden and New Haven with me Thursday (4-29-71) to cover Captain Shepard's visit was a relatively small matter. In terms of travelling time, that is.

The experience of actually meeting and talking to America's first man in space proved to be a heady and intoxicating experience neither of us will ever forget. He is every bit the hero he has been made out to be. However, you rate the man—by achievements, personality, looks or popularity—he comes out on top complete with the famous grin that brought him adoration 10 years ago.

Everywhere Captain Shepard went, eager admirers surged to greet him as Lino and I kept pace with his entourage of hosts and press.

First stop for Captain Shepard was Hamden's ultra-modern Ridge Hill School where the kindergarten set and pre-teeners alike beamed at him.

The children showed their just pride, both in the astronaut and their new school which bears study centers named Vanguard, Gemini, Mercury, Apollo, Friendship I and Friendship II.

Captain Shepard visited with the children, toured their school and answered their questions at a press conference complete with closed circuit TV. Then he lunched with Hamden's proud educators and press alike before launching into the afternoon's dedication ceremonies.

Next stop for the Captain was New Haven's Park Plaza Hotel where a press conference, cocktail party and testimonial dinner had been planned by the Advertising Club of New Haven County.

Captain Shepard's visit to New Haven was sponsored by the Club as a means of paying homage to Howard W. Maschmeier, general manager of WNHC TV, the man they were to honor with their coveted Gold Medal Award for outstanding civic and humanitarian service.

If Maschmeier was honored, his guests were overwhelmed by the presence of a tall unassuming astronaut who can now claim being nominated an admiral as well as being the first American in space, and as Command Pilot of Apollo 14, the first man to play golf on the moon.

At the cocktail party grandmothers pressed for autographs and children beamed when a smiling and jovial Alan Shepard allowed himself to be photographed with them.

At the testimonial dinner, Captain Shepard showed a film featuring highlights of his Apollo 14 mission. He did not let the occasion pass without mentioning that his lunar six-iron shot was meant to impress Vice President Spiro Agnew with his golf skill.

BRITISH DENIAL OF SELF-DETERMINATION IN THE ORIENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RARICK. Mr. Speaker, the racial elimination crowd who profess a goal of self-determination for all peoples in free world countries continue to attack Rhodesia.

Strangely among the collaborators of the left in this psychological wordfare to overthrow the independent government of Rhodesia is her former colonial master, Great Britain.

Yet, as the British leaders use Rhodesia as their whipping boy to cleanse their guilt of colonialism, silence prevails as to the British Crown Colony of Hong Kong. More than 3 million native-born Chinese, as compared to less than 20,000 British, live in Hong Kong. Yet, there has never been any question of adult suffrage nor have the British offered self-determination to these Hong Kong Chinese. And the British have not even placed this deprivation of human rights on the U.N. agenda.

Informed Americans, who understand that phrases such as "racist" are but Communist-coined trigger words, question why the British feel that it is morally right to deny the right to vote to all Hong Kong Chinese but morally wrong for Rhodesia to operate a qualified franchise.

And why is it that the liberal left do not expose this flagrant abuse of the right of self-determination? It could just be that the Hong Kong Chinese, including many who have voted by foot by fleeing Red China, are anti-Communist.

PSYCHIATRIST REVISES MARIHUANA VIEW

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. McFALL. Mr. Speaker, for various reasons during the past several years, a number of prominent persons have advocated the legalization of the use of marihuana.

Now, however, there is a growing amount of evidence that the continuing use of this drug has extremely harmful effects upon the social behavior of users and even has caused extensive physical harm.

Dr. D. Harvey Powelson, director of the student psychiatric clinic at the University of California, Berkeley campus, recently disclosed a complete change in viewpoint. Dr. Powelson once believed that marihuana use should be legalized. After a 5-year study of 500 students using marihuana, Dr. Powelson no longer favors legalization.

The Modesto, Calif., Bee, in its issue of April 23, refers to Dr. Powelson's published findings.

The editorial, which I commend to your attention, follows:

[From the Modesto (Calif.) Bee, Apr. 23, 1971]

PSYCHIATRIST REVISES MARIHUANA VIEW

Dr. D. Harvey Powelson is director of the student psychiatric clinic at the University of California Berkeley campus. He once advocated the legalization of marijuana. No more, however. He now believes there is a deadly cumulative effect on the minds of those engaging in the prolonged use of marijuana.

His original belief marijuana is not harmful was based on his examination of only a small number of students using the drug. But over the last five years he has treated 500 students. He has seen in those using marijuana daily for a long period, six months to a year, symptoms "similar to those seen in organic brain diseases—islands of lucidity intermixed with areas of loss of function."

In findings published in a legal journal, Powelson also described the long-range effects of marijuana as a "disorder of thinking characterized by a general lack of coherence and an exacerbation of pathological thinking processes . . ."

Powelson has taken a close look at students who dropped out of school, turned to marijuana and then later tried to resume their campus roles.

"Such peeople also seem to be aware that they've lost their will someplace," said Powelson. "To do something—to do anything—requires a gigantic effort. In short, they have become will-less—anomic."

It is important to remember Powelson's observations are not those of a man with a built-in bias against the use of marijuana. They are those of an honest professional whose personal views were in favor of legalizing marijuana, but who was forced to change his mind because of what he observed happening to students using the drug.

Young persons tempted to experiment with marijuana would do well to consider carefully Powelson's findings. It is a deceptive argument that there is as yet no scientific proof of marijuana's harmful effects. Scientific proof often is years in the coming. In the meantime, the judgments of a person of Powelson's credentials should carry great weight.

THE RIGHT TO EARN

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. DU PONT. Mr. Speaker, today I am introducing a bill which would resolve a longstanding inequity in our social security laws. This bill will remove the social security earnings ceilings, and restore to our senior citizens the right to earn a living.

For years, social security recipients have faced the cruel option of either living off their social security benefits or going to work to augment this income with the possibility of forfeiting their benefits.

To me this is totally incongruous, not only with our Government philosophy but with the realities of the problems of our elderly. Everyone will agree that one of the major problems that senior citizens encounter today is the dilemma of living on a fixed income in an inflationary economy. One of the logical alternatives for the elderly is to augment their fixed income through wages; yet the current laws severely limit this option.

It is true that pending legislation would raise the earning limitation to $2,000 but it is a gross injustice to limit the supplemental income of the elderly through wages at all.

Not only have we essentially denied the elderly the freedom to work and earn as they please, but we have abridged

their right to freely seek improvement in their situation. The high expenses and the limits of fixed retirement incomes of the elderly are well documented. Social Security benefits as a sole source of income clearly do not measure up to these needs. It is essential that these people be allowed to augment their income freely to meet their economic requirements without the constraints imposed by the earnings limitation provisions.

Aside from these harsh economic penalties imposed on the elderly, the provisions of the current limitations effectively deny the senior citizens their dignity by promoting the worst type of welfarism.

One of the purported objectives of our social welfare programs is to help people help themselves. However, in the case of social security, the Government is curtailing the incentive of people to help themselves. On the surface, it is apparent that the earning limitation deters the very type of initiative which reduces the number of people on the welfare rolls.

For years the elderly have objected vigorously to this penalty placed on social security recipients. I am sure that many of my colleagues have met with senior citizens groups and heard the plea to remove the limitation. I have heard them, and I think their case is well founded.

Not only do they object to deterrents against improving their income status, but they object to the tenor of the law. The elderly claim that social security benefits represent money which they were obliged to put aside, and therefore they have a right to receive the benefits regardless of their postretirement earnings. Although in the strict sense, the social security benefits are not a form of insurance, it is very difficult to tell a man who has toiled for years and dutifully payed his share of wages to the social security fund, that he has no right to receive benefits if he choses to continue working for additional wages.

I urge my colleagues to vote for removing this earnings limitation entirely. Removal of the limitation will restore fundamental rights to the elderly and reward those who take the initiative to improve their economic position and try to avoid dependence on the welfare system.

The problems of the elderly are complex and many faceted. I hope the amendment I propose will at least help those who want to help themselves, and return to them the "right to earn."

TESTIMONY OF REPRESENTATIVE FULTON OF TENNESSEE IN SUPPORT OF HIS RESOLUTION TO CREATE A SELECT COMMITTEE ON ENERGY RESOURCES

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, our distinguished colleague from Tennessee (Mr. FULTON) testified before the Rules Committee this morning in support of his resolution on House Resolution 155, to create a Select Committee on Energy Resources.

Mr. FULTON eloquently spoke to the urgent need for this committee to aid the Nation to move toward a national policy on energy. So that others may share it, I include the most excellent statement of our colleague in the RECORD:

SUMMARY STATEMENT ON H. RES. 155, BY HON. RICHARD FULTON, BEFORE THE HOUSE RULES COMMITTEE, MAY 18, 1971

Mr. Chairman, I appreciate your courtesy in allowing me to appear before your Committee this morning on behalf of the five resolutions sponsored by more than a hundred Members of the House to create a Select Committee on Energy Resources.

The sponsors of this resolution come from all geographical areas of the country, including many of my colleagues of the Republican Party.

I would like to insert in the record a comprehensive analysis of the need for the creation of this select committee. This statement contains many quotes from experts in the energy field calling attention to the national crisis we now face.

Also, I would like to insert in the record a letter I addressed last week to the Speaker supporting the need for the creation of the select committee, outlining the number of people needed and my pledge to complete the study during the 92d Congress.

Mr. Chairman, we are all aware that man's ability to convert the earth's finite store of energy, coal, petroleum, natural gas and uranium, into such useful forms of energy as electric power, transportation, heat and useful, beneficial by-products has steadily grown from the time usefulness of coal was recognized 800 years ago until the present time. The pattern of growth continues, but storm warnings are with us.

The consumption of energy, which required millions of years to accumulate, has proceeded at a pace which can best be illustrated by reminding ourselves that half of man's total energy consumption has taken place in the last 30 years—as much in 30 years as in the preceding entire history of man.

Just as energy consumption measures the extent of our industrial progress, so it also measures the extent of the degradation of the environment. The cheapness of energy is the basis of our affluence. Our affluence is the basis of our wastefulness and our insatiable demand for more and more of everything puts a bigger and bigger load on our diminishing resources.

The result is what we call the energy crisis and the environmental crisis, two sides of the same coin. The purpose of this resolution for the creation of a House Select Committee is to lay the foundation for the House of Representatives and the Congress itself to assume its proper role in charting the course for the American people in the difficult task of reconciling our goals of economic expansion and growth and our goals of a livable environment.

That reconciliation, Mr. Chairman, will involve choices and compromises so fundamental in nature that only the Congress should make them. It is inconceivable to me that the Congress should wish to abrogate to the Executive Branch or to the Judicial Branch or to the so-called "fourth branch of Government," the regulatory agencies, all of which play an increasingly vital role in decision-making energy matters, the responsibility for making the kinds of choices and compromises which are continually being made. The basis for the reassertion of Congressional prerogatives has to be knowledge of the situation and the gathering of that knowledge for the benefit of the House, the Congress and the people is our objective.

The National Coal Association in a recent statement supporting a Department of National Resources called attention to the fact that decision-making powers are now spread over a number of federal agencies and suggested that Congress set up a committee on energy to take over from the 14 Congressional committees that now deal with energy.

Mr. Chairman, I have no quarrel with the fact that many committees of the House, such as Interstate and Foreign Commerce, Interior, Public Works and others have partial jurisdiction and responsibility in this area, but I believe that we are faced with a national crisis of such proportions that the creation of a select committee that would concentrate in this field only is urgently needed.

We envision an active committee whose first task would be to lay out an investigative program to ferret from this bureaucracy where we now stand as outlined in the resolution itself. This would require a professional staff carefully supervised to see that the end product of its work would be instructive and useful to the Members of Congress and to the public.

We know that this report cannot be encyclopedic either factually or in cataloging policy choices. Five-foot stacks of books are not that useful to busy Members, but a fair and balanced picture can be assembled which would be helpful to the Congress and its committees.

Badly needed perspective can be achieved and a select committee is the right mechanism.

Under the select committee's supervision, the staff would answer these questions:

Where are we really in our resource inventory, particularly in the matter of present deliverability?

Are the people adequately informed as to where we stand now and where we will likely be, given present trends? If not, how can they be made so?

What institutional mechanism should be created? How can they be kept responsive to the Congress and to the people?

These may seem very broad, but if what we want is a compendium of bureaucratic answers, we can get these by addressing a questionnaire to the executive and regulatory agencies.

We see the need for Congress to comprehend the problem on its own terms, not as administrators, but as policy makers.

Thus, defining our objectives, we can get by with the requested appropriations authorization, and we can have fair assurance that the committee can begin and finish its task on schedule. However, it is very late, and we should get started immediately.

Thank you, Mr. Chairman and Members of the Committee, for your kindness to me this morning.

PRESSURE ON THE NEWS MEDIA

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. RONCALIO. Mr. Speaker, freedom of the press is one of the basic rights in a democratic society. However inconvenient or embarrasing it may be to the Government it forever must watch, a free press is indispensable to a free society. In a very real way, it is part of the checks and balances of our constitutional government.

Whenever the press is subjected to harrassment and unreasonable demands, the rights of every citizen are diminished. I, therefore, am happy to report cospon-

sorship of the Newsmen's Privilege Act of 1971 which would safeguard the confidential sources of all news media, except in rare and specified instances.

In this connection, I would call attention to an excellent statement which appeared in the editorial columns of the Casper, Wyo., Star-Tribune on May 2.

The author of this column is a good friend of mine and a journalist of repute in the West, Mr. Ernest H. Linford, the head of the University of Wyoming journalism department

Mr. Linford attended the university many years ago, and I had the pleasure of being his friend when he began his career on the Laramie Republican-Boomerang. He was a Neiman fellow at Harvard in 1946–47 and then won national recognition for his editorial work on the Salt Lake Tribune.

I insert for the RECORD his guest editorial:

PRESSURE ON THE NEWS MEDIA

(By Ernest H. Linford)

(EDITOR'S NOTE.—Mr. Linford, who heads the journalism department at the University of Wyoming, is a well known regional newspaperman. He was editorial page editor of the Salt Lake Tribune for 19 years. Prior to that he was editor of the Laramie Republican-Boomerang. He was a Nieman fellow at Harvard in 1946–47. He wrote the following editorial at the request of the Star-Tribune. It deals with a subject which should be of interest to all Americans.)

We Americans are able to carry out our responsiblities as free citizens only to the extent that we are accurately and fully informed. And like it or not, we depend upon the mass communications media, printed and electronic, for our solid information.

The free flow of information is under mounting pressure from government. This isn't to say that official obstacles to news dissemination are new. In the early 1950's some Southern U.S. Senators opened an investigation into the patriotism of employes of the New York Times which at the time was effectively supporting the newly-decreed desegregation order of the U.S. Supreme Court. In recent months efforts have been made to seize reporters' notes and other materials, even segments which are not used. This is intolerable because the process of gathering news requires much more material than is used or should be used.

The latest incident of an attempt at blatant censorship is the subpena of Chairman Harley O. Staggers (D-West Va.) of the Investigations Subcommittee of the House Interstate and Foreign Commerce Committee to acquire the televised material and also all film, recordings, transcripts and notes used by Columbia Broadcasting System in making the television film, "The Selling of the Pentagon."

Naturally the military establishment is angry over the film's disclosures and administration spokesmen, notably Vice President Agnew, have been highly critical of the documentary and its makers. That is their right. Criticism is good for us all and is part of the American system of open debate. But criticism is one thing and subpoenaing materials not actually published or broadcast is something else.

CBS President Stanton is justified in rejecting parts of the subcommittee's subpoena, declaring "... the sole purpose of this subpoena . . . is to obtain materials which will aid the committee in subjecting to legislative surveillance the news judgment of CBS in preparing 'The Selling of the Pentagon.'"

The subcommittee chairman's action is clearly an assault on the press freedom guarantees of the First Amendment. Television and radio, unlike the printed media, are under the burden of federal licensing and regulations of the Federal Communications Commission. This makes license holders vulnerable to all kinds of government fishing expeditions and witch hunts aimed at stifling unpleasant facts.

What is the stake of the ordinary American in this conflict? Ask yourself if you approve of government harassment of the makers of a program turning the spotlight on how the biggest spender of the taxpayers money spends more and more money to get more taxpayers money.

THE PLIGHT OF SOVIET JEWRY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. CARNEY. Mr. Speaker, during the past few months the world press has been filled with reports from the Soviet Union of the various forms of persecution that Soviet Jewry is now suffering.

We are told that Jews are prevented by a pernicious selective system from entering some of the major institutions of learning.

We are told that Soviet Jews are denied the freedom to enjoy their own distinctive Jewish cultural traditions.

We are told that the Soviet Jew cannot practice his own religious belief as he so chooses.

We are told that the Soviet Jew is denied the right of emigration; that he must remain in this situation of unrelenting persecution; and that he must suffer like Job the deprivation of virtually all the necessities and amenities of life.

Many people in this country and in the West were shocked to read these stories of discrimination and persecution. They were shocked by the reality that a people who have suffered so much in the span of our own memories should have another plague of suffering visited upon them.

But the reality is that this type of persecution and discrimination has been going on for some time in the Soviet Union. And it is only within recent months that attention has been called to it by such dramatic events as the Leningrad trials.

Yes, the Soviet Jews are a people suffering, suffering all the petty and great indignities that historically have been imposed upon them. And what a tragedy it is to see this talented, gifted people, who have known too much suffering in their long history, subjected again to the travails of persecution.

Because I have compassion for the Jews of the Soviet Union, as indeed I have compassion for all suffering humanity, I should like to add my voice to the many requests and demands that Soviet Jews be given the right to worship freely and that they also be given the right to emigrate to any country of their choice.

Let us hope and pray that this gesture of protest will, when added to the millions of others, create a pressure upon the Soviet Government that will compel the leadership to respond to the voice of humanity and grant the Jews of the Soviet Union freedom of religion and freedom of choice wherever they want to live out their lives.

AFTER PING PONG—WHAT?

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, May 18, 1971

Mr. GRIFFIN. Mr. President, I ask that the text of an address which I delivered before the Economic Club of Detroit on May 17, 1971, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AFTER PING PONG—WHAT?

(By U.S. Senator ROBERT P. GRIFFIN)

It has been more than a month now since table tennis replaced the teacup as a weapon of diplomacy. Here in the hometown of the impresario of ping pong diplomacy, I thought it might be appropriate today to venture a response to the burning question: "After Ping Pong . . . What?"

At the outset, I wish to pay a richly-deserved personal and official tribute to Detroit's own Graham Steenhoven, who suddenly found himself center stage in one of history's strangest and most amazing dramas. Indeed, if Art Buchwald had written the scenario, it couldn't have been more incredible!

Graham Steenhoven played his role superbly and in the best interests of his country. And, in the process he may have revived, and revised, an old proverb familiar in this town. Now, it goes—

"What's good for *Chrysler* is good for the country."

In the midst of all this ping pong frivolity, it may be difficult to keep our heads. So many of us have been living in dream worlds about the Chinese for so long that it will not be easy to recognize or admit to any self-delusion.

I claim no 20–20 vision. But in the course of my remarks, I hope to nail to the wall a few of the myths which tend to cast a shadow across our past and future policies.

We should be very careful to note that Premier Chou En-lai did *not* overplay *his* ping pong diplomacy.

"We have opened a new *page* in the relations of the Chinese and American people," he said.

Given the length of Chinese history, we should realize that this is only *one page* in a very long *book*.

Furthermore, it would be foolhardy to overlook or forget the ruthlessness of the Communist regime which continues to control mainland China. Externally, it still refuses to acknowledge such blemishes on its record as the brutal aggression against South Korea, which was condemned by the United Nations. Internally, the ruthless purges which in recent years swept over Red China were a throwback to barbarism. So the euphoria of the moment should *not* gloss over such a record.

For two decades, the U.S. *has* pursued a policy of containment with respect to Red China. That policy has rested on realistic as well as moralistic judgments of the Peking regime. And, this policy—implemented by five American Presidents—has had a considerable impact.

First of all, we should *not* overlook the significant gains recorded on Taiwan (sometimes referred to as Formosa) during the

20 years we have staunchly supported Nationalist China.

Because of our support, 14 million people on Taiwan have been saved from coerced Communist domination. In the process we have kept most of the influential overseas Chinese on the side of the free world.

Our containment policy has meant that South Korea's 32 million people were *not* forced to surrender to Communist aggression.

And, the penetration of Africa by Communist China has been slowed, and in some cases stopped—and partly because of containment, the Nationalist Chinese have been enabled to make friends in Africa.

Finally, our policy has operated to spare Japan the burdensome expense of a quick military buildup to defend herself. As we also know *too well*, this has allowed Japan to get back on her feet economically—indeed she is now a super-power in the world of industry and commerce.

Even if Japanese-American friendship should cool a bit in the period ahead—as many expect—Japan now stands as a powerful block or check against Red Chinese expansion in the Far East.

If one were to consider only the rapid-fire developments of the last month or so, he might logically assume that President Nixon is some kind of a recent convert suddenly captured and taken in tow by the State Department's wishful thinking China watchers. Perhaps it will be interesting and surprising to some when I recall that Candidate Richard Nixon during his last campaign telegraphed his intense desire to develop better relations with Mainland China. In a CBS radio broadcast October 1968, he said:

"In the short run we cannot reward China's present tactics with offers of trade or recognition; but taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation."

There was a theme which I could heartily endorse at the time—and which I heartily support now—as China continues to move deeper into the nuclear age.

What are our objectives now as President Nixon takes bolder steps toward closer relations with Mainland China?

Our goal now is—as it was stated in that 1968 broadcast—to bring Mainland China back into contact with our country—and with the rest of the western world. And our goal is to reduce the possibility of a clash which could quickly become a world disaster in this nuclear age.

As leader of the President's Party in the Senate, I take considerable satisfaction and pride in the sustained and painstaking effort of this Administration to achieve an "opening to the East."

After all, whether the President's goal of a generation of peace can ever be attained depends to a great extent on where the 800 million people of China are led.

If their leaders pursue the course of brutal expansionism which they tried in the 1950s, we cannot hope to enjoy that generation of peace for which we strive.

Let's take a few moments to recall some recent history: the Administration of Richard Nixon took its first unilateral step toward broader contacts with the Mainland Chinese. It was a move which—on the surface at least—was aimed at closer relations on a people to people basis.

In July 1969, restrictions on travel by Americans to Mainland China were relaxed somewhat, and noncommercial tourists were permitted to come back with purchases of Chinese goods up to $100 in value. Since the Communist Chinese weren't issuing very many visas, the move had limited practical effect. But it did send an important signal from the new Administration in Washington.

A few months later, in November 1969, the Nixon Administration took another step. We announced suspension of a regular American naval patrol in the Taiwan Straits. That patrol had commenced more than 19 years earlier, when it appeared that Communist China was about to move against Taiwan.

This withdrawal in November 1969 of the Seventh Fleet's regular patrol in effect said to Peking: "The United States no longer considers that you are threatening—at least immediately—to seize Taiwan by force."

Thereafter, in December 1969 President Nixon took two more small but significant unilateral steps. First, the $100 limit on tourist purchases of Chinese goods was removed. Thus not only tourists but collectors, museums and universities were permitted to import more expensive Chinese items.

In addition, he signed an order permitting American-controlled subsidiaries abroad to trade with Mainland China in non-strategic goods.

Later on, there was another so-called "signal" to the Red Chinese leaders which sailed way over the heads of most of us. You will recall President Nixon's visit to Romania. Many wondered: Why Romania? At that time, in that country, President Nixon took pains to emphasize the readiness of the United States to deal with Communist countries on the basis of their *foreign* policies rather than their *internal* politics. Because Romania was, and is, a close ally of Red China that was considered to be an important indirect overture to Peking.

Apparently, Peking received and understood the subtle message, which helps to convince China-watchers that its leaders indeed may be ready for the big leagues.

In his annual Foreign Policy Report to Congress February 1970, President Nixon stressed this point—he said:

"It is certainly in our interest, and in the interest of peace and stability in Asia and the world, that we take what steps we can toward improved practical relations with Peking."

Then, in August 1970 President Nixon lifted a restriction against American oil companies abroad bunkering free world ships bearing non-strategic cargoes bound for Mainland Chinese ports.

And then you will recall that the Romanian President paid a return visit to Washington last year in October. Marge and I were there, in attendance at the State dinner, when President Nixon, in a White House toast to the Romanian Chief-of-State made a reference—not to Communist China"—not to Red China"—but to the "People's Republic of China."

A few eyebrows went up a notch that night. But few recognized it for what it was—another friendly gesture—a signal—sent to Peking—through a friend.

But a few months later, when President Nixon delivered his foreign policy message to Congress—in February of this year—he again made it a point to refer to the Peking government—not as Red China or Communist China, but as the "People's Republic of China"—and the significant shift in official U.S. rhetoric was widely noted in the press throughout the world.

One last small practical step, before the Chinese ping pong response, came in March of this year, when a number of remaining restrictions were lifted on the use of Americans passports for travel to the "People's Republic of China."

Finally, after this long deliberate series of unilateral moves and gestures by our government, Peking—at last—made a public response—not toward the government of the United States, mind you—but only toward the people of the United States.

Of course, we are all familiar now with President Nixon's prompt response following Chou En Lai's ping pong move in April. At that point, President Nixon announced five additional steps which have put Communist China very nearly on the same basis with the United States as the Soviet Union insofar as trade and tourism are concerned.

In other words, a 20-year embargo by the United States on trade with Red China is being lifted.

Incidentally, our own State of Michigan, the second-ranking state in the manufacture of goods for export, should benefit—if anyone can benefit—from these liberalized trade policies.

In that connection, I wish John Kinsey and the Detroit Chamber of Commerce well in their efforts to wangle an invitation to the Canton Trade Fair in September.

As the chronolgy I have recited clearly demonstrates, President Nixon was consistently and persistently engaged since his inauguration in a carefully orchestrated campaign to convince Peking of our sincere desire to improve relations.

That a response from Peking finally came was not a surprise to President Nixon. But I can tell you on the basis of some authority that *no* one was *more* surprised than he when ping pong became the vehicle for delivery.

Throughout the period of the Nixon Administration, while we were making this series of unilateral moves, we were also "cooling the rhetoric," as the saying goes. We toned down our criticism of the Peking regime.

It cannot be said that the Red Chinese responded exactly in kind. But Peking has been more restrained—and has been more practical and rational in its dealings with the outside world. For example, on an increasing scale, China has been renewing diplomatic relations with nations of a different view. In the six months period alone from last October to this April, Peking agreed to exchange ambassadors with eight nations, including Canada and Italy, two members of NATO.

And in those cases, it is significant to observe that Peking did not require, as a condition precedent that Italy or Canada *recognize* Peking's claim to Taiwan—it was considered sufficient that they merely "took note" of it.

To some, this looks like a minor concession on the part of Red China. But it could be a major step in the direction of broader international horizons.

Now, Peking has relations with seven of the 15 NATO nations: Canada, Italy, France, Britain, the Netherlands, Denmark and Norway.

Peking has recently provided aid, for the first time, to non-Communist nations: flood relief to Malaysia and the Philippines, earthquake relief to Peru.

In retrospect, then it should be apparent that both sides have been more flexible and have made important moves. So far as the future is concerned, there is a long way to go.

Of course, we should not be under any illusions at this point. Peking still has *its* objectives; and Washington has a set of its *own*. In the broadest sense, Peking wants the United States out of Asia and the Western Pacific. But while, under the Nixon doctrine, we are proceeding to reduce our military presence in that area of the world, we have no intention of abandoning the area, because *our own* national security interests are involved.

In a more immediate sense, we might say that Peking's objectives are these:

1. Peking wants a seat in the U.N., a permanent seat in the Security Council.

2. She insists that Nationalist China be excluded.

3. She is probably looking for any possible support from the United States in the event of trouble on the long border between China and Russia.

4. Peking continues, of course, to seek

active and recognized sovereignty over Taiwan.

5. And, finally, Peking may want to establish diplomatic relations with the United States.

Today, the China-watchers in our Government think they have a much better reading than we had 20 years ago as to Chinese intentions. We see likelihood now of across-the-border military moves than we did just after the Korean War. However, the threat of Red Chinese support for indigenous "wars of liberation," so-called, has not diminished.

A basic question is whether mainland China still sticks so rigidly to her traditional Middle Kingdom attitude—fancying herself as the center of gravity for all the world. Or whether, as we hope, she is in the process of redefining her role, and recognizing that she is only one great power among several great powers in the world.

A principal objective of the United States is to bring Mainland China into the real world without a catastrophic war.

We also seek a position of dignity for Taiwan.

We see Asia as a quadrilateral arena involving four great powers: The Soviet Union, China, Japan and the United States.

Within these guidelines we can afford to be flexible.

We have told both Peking and Moscow we do not wish to take sides in their dispute—or to gain from it.

We can say now that we no longer seek to accept her as a major power, with a legitimate role. But we want Peking to refrain from imposing its will by force on other nations.

We do not presume to tell either China how to deal with the other. We hope that the differences between Peking and Taipei can somehow be adjusted. But we insist that any such adjustments must come about peacefully.

The bedrock of our policy toward Taiwan has not changed.

We continue to protect Taiwan against external attack.

We not only maintain diplomatic relations with Taiwan, but we continue to provide her with important military and other assistance.

Many people may not fully realize the significance of the National Chinese contribution as a member of the international community. Taiwan's 14-million population is larger than that of two-thirds of the 126 members of the United Nations.

Her gross national product has increased about ten per cent a year in the last eight years.

Taiwan's per capita GNP is third highest in Asia.

Twenty-seven of the less-developed countries of the world are now receiving economic and technical assistance from Nationalist China.

It would be unthinkable for the United States to brush aside this staunch ally and responsible citizen of the world community to accommodate Mainland China's wish to join the U.N.

As I see it, the United States has three options open as we consider Mainland China's bid for U.N. membership.

We can continue as before, actively opposing last years' 51–49 majority U.N. view that the People's Republic of China should replace the Nationalist Chinese in the Security Council and in the General Assembly.

Or—we could stand back—or abstain—in which case the majority probably would work its will. Thereafter, we could continue to stand by Nationalist China despite her loss of a United Nations role.

Or, we could be positive about it and support the admission of Red China to the U.N. so long as Nationalist China is not excluded.

My preference now is this third course. No doubt, both Chinas will be furious with us. But I, for one, am prepared to take their disapproval philosophically. It is the fate of Great Powers to incur the wrath of other powers occasionally.

Of course, we still have four months or more before the United Nations General Assembly takes up the China representation issue. We need not fix our attitude in concrete.

But an inclination now toward flexibility, an expression of interest in representation for both Chinas, could help to smooth whatever transition evolves.

It is not my assumption that the United States and Mainland China are anywhere near the point of establishing diplomatic relations.

But there are several steps, some reciprocal, some unilateral, the United States could take in the months and years ahead. In the process, however, we should be careful not to smother Peking with so many overtures and opportunities that she feels no necessity to respond in kind. It is the responsibility of the President and his Secretary of State to weigh these steps and to time them for greatest effect.

It is my hope that the Nixon Administration is now considering—or perhaps privately advancing—such proposals requiring mutual agreement as the following:

1. Elevation of the off-and-on Sino-American talks in Warsaw to the level of deputy foreign minister or foreign minister, and moving them from Warsaw to Peking and Washington, on a home-and-home basis.

2. Exchange of unofficial trade missions.

3. Exchange of news service correspondents between Peking and Washington on a one-for-one basis and exchange of some special correspondents. If communications would be facilitated, the United States might well offer the use of its satellite communications facilities for special Sino-American events, including sports events.

4. Exchange of 10 to 20 eminent scholars, on a one-for-one basis for two-year sabbaticals, to study subjects of their choice at universities of their choice. These scholars should be from all disciplines, and the host country should provide full expenses.

There are certain *unilateral* steps which I believe the United States should be ready to take—given a continuation of the thaw at a congenial temperature.

We should begin immediately to invite Peking to send representatives to non-governmental conferences—and governmental conferences as well, if the Chinese are willing—on such basic international problems as:

Arms control.
Hijacking.
Pollution control.
Population studies.
Offshore oil rights.
Laws of the sea.
Use of sea beds.

In addition, we *could* proceed in time to thin out the garrison of 9,000 American troops on Formosa, half of whom are there because of the Vietnam conflict and can be withdrawn as that war winds down. Whatever residual American force is then maintained on Taiwan would clearly be defensive—and this should be emphasized publicly and repeatedly.

Given the uncertainties of the American situation with respect to Okinawa, Japan, Korea, and the Philippines, however, there would be no logic in a complete, unilateral abandonment of all military presence in Taiwan.

The occasional naval patrols of the Formosa Straits which now have replaced the regular patrols could be conducted farther out to sea.

As we consider and proceed to make some of these moves, we must closely examine and evaluate the new image and new flexibility of Peking to be sure it is not a mirage. Fortunately, we have many options to test it—and I believe we should proceed with cautious optimism to do just that.

If the People's Republic of China do make it into the United Nations, of course, we will not have reached the millennium. We can probably expect some very bad times—more vetoes, more obstructive tactics, and more pomposity—even more than the Soviet delegates subjected us to in the Fifties.

Unfortunately that is likely to be part of the education process of the New China—if there is a New China.

But I believe the game *is* worth the candle. Certainly we cannot do less than *try* to bring the world's most populous nation into the real and rational world.

STREAMBANK EROSION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. SCHWENGEL. Mr. Speaker, today I have reintroduced my bill authorizing the Corps of Engineers to undertake streambank erosion projects. The following Members have joined me in cosponsoring the bill:

JAMES A. BURKE, of Massachusetts; JAMES C. CLEVELAND, of New Hampshire; JORGE L. CÓRDOVA, of Puerto Rico; JOHN J. DUNCAN, of Tennessee; PAUL FINDLEY, of Illinois; EDWIN B. FORSYTHE, of New Jersey; L. H. FOUNTAIN, of North Carolina; JOSEPH M. GAYDOS, of Pennsylvania; MICHAEL HARRINGTON, of Massachusetts; JAMES KEE, of West Virginia; ROBERT L. LEGGETT, of California; ARTHUR LINK, of North Dakota; WILEY MAYNE, of Iowa; ROMANO L. MAZZOLI, of Kentucky; LLOYD MEEDS, of Washington; JOHN MELCHER, of Montana; JOHN T. MYERS, of Indiana; CLAUDE PEPPER, of Florida; TOM RAILSBACK, of Illinois; CHARLES B. RANGEL, of New York; WILLIAM F. RYAN, of New York; CHARLES THONE, of Nebraska; JIM WRIGHT, of Texas; and ROGER ZION, of Indiana.

I am especially pleased to have the chairman of the House Watershed Subcommittee, the gentleman from West Virginia (Mr. KEE), join me as a cosponsor of this legislation.

The House Public Works Committee focused its attention on this problem in 1968 by adding section 120 to the Rivers and Harbors Act of 1968—Public Law 90–483—requiring a report by the Corps of Engineers. Their report, submitted in August of 1969, clearly documented the extent of the problem. For example, the report notes that there is some degree of erosion on approximately 549,000 miles of our streambanks, and that 148,000 miles are experiencing serious erosion. The report estimates the annual loss resulting from this problem at $90 million. The text of the Corps of Engineers report follows my remarks.

While the problem of streambank erosion is widespread, as indicated by the report, it affects our smaller communities most severely. In the case of larger cities, streambank erosion problems can often be included in a flood control project. When this is possible the Corps of Engineers is authorized to become involved in the project. However, in the smaller communities it is less likely that the erosion problem can be included in an overall flood control project. To further complicate the problem, it is our

smaller communities which are least able to pay for these projects. They simply lack sufficient funds or personnel to do the job.

The most immediate consequence of streambank erosion is the pollution of our rivers and streams. It has been clearly demonstrated that the soil which is washed into our streams is one of the most serious pollutants. The soil does not pollute in and of itself, but rather through the particles which it carries. In fact, it is impossible for some toxic chemicals to even be carried into the water unless there is a soil particle to which they can attach. The 1970 Yearbook of Agriculture indicates that over 4 billion tons of sediment moves into our rivers and streams each year.

A second consequence of streambank erosion is the damage to property and property values. In the most drastic cases, entire homes have fallen into the river or stream after its foundation has been eroded away. If the same damage to a structure occurred through flooding, several types of Federal aid would be available, but when the damage is caused by streambank erosion, no such assistance is available. The damage affects not only the individual property owner, but the entire community by reducing its tax base. It also has a generally demoralizing effect on the community.

While my bill authorizes the Corps of Engineers to deal with this problem, I have no strong feelings as to which agency should be given this responsibility. Regardless of what final decision is reached, these projects will require the full cooperation of all agencies involved, both State and Federal. The point is this, some agency must be given the authority and the responsibility for solving this problem, and soon.

It is not for purposes of showmanship or publicity that I chose to reintroduce this bill during Soil Stewardship week. I sincerely believe that we do have a real obligation to exercise stewardship over our previous soil, and that enactment of this bill will further the goal of good soil stewardship, and at the same time, aid significantly in our efforts of clean up our rivers and streams.

The material referred to follows:

H.R. 8536

A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in reservoirs and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion.

SEC. 2. No such project shall be undertaken under this Act if the estimated Federal first cost exceeds $500,000 unless specifically authorized by the Congress or authorized under the provisions of section 201 of the Flood Control Act of 1965 (79 Stat. 1073).

SEC. 3. There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of those projects the estimated Federal first cost at which is less than $500,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

SEC. 4. For all projects undertaken pursuant to this Act, appropriate non-Federal interests shall—

(a) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(b) hold and save the United States free from damages due to construction.

(c) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(d) provide such additional cooperation as the Secretary of the Army, acting through the Chief of Engineers, deems appropriate

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[From Soil Conservation, January 1968]

STREAMBANK EROSION: A WIDESPREAD PROBLEM TOO BIG FOR A LANDOWNER TO HANDLE ALONE

(By R. C. Barnes, Jr.)

Streambank erosion is a major problem along many miles of the Nation's rivers and streams.

It is estimated that there are 300,000 miles of streambanks in the United States subject to erosion and producing about 500 million tons of sediment each year.

Removal of sediment from stream channels, harbors, and reservoirs is costing about $250 million a year. Loss of land adjacent to stream channels is valued at about $11 million annually.

Streambank erosion is a continuous problem on constantly flowing streams, although it may vary in intensity throughout the year. On intermittent streams, erosion occurs each time floodwater flows down the stream channel.

Damage is increased by waterborne ice and debris. The problem is aggravated by poorly placed manmade structures, overgrazing, and other factors that affect runoff and streamflow.

The damage is evident in many ways: in undercut streambanks, caving and sloughing of adjacent land, and loss of crops and of buildings, fences, and other physical improvements. It shows in the raw scars left to mar the beauty of the surrounding landscape.

AN EXPENSIVE PROBLEM

One of the end products, and a costly one to man, is the sediment produced by streambank erosion. This sediment fills streams, waterways, and harbors; increases flooding; smothers crops; and spoils the habitat for fish and wildlife.

Sediment affects municipalities by increasing the cost of filtering and processing water for municipal and industrial use, causing extra wear on pumping equipment, and creating the need for extra maintenance of roads, bridges, parks, and related facilities.

A survey report, "Conservation Treatment of the Dry Creek Watershed, Sonoma and Mendocino Counties, California," estimates that the sediment produced from streambank erosion in the 313 miles of tributaries in the watershed, with a drainage area of 130 square miles, amounts to about 164,000 tons annually. It is further estimated that, with proper treatment of the streambanks where needed, this amount could be reduced by 74 percent to about 39,000 tons a year.

Streambank erosion-control methods must vary with different conditions. In humid areas, control of live streams is mainly by the use of vegetation supplemented by mechanical measures. In semiarid and arid areas, protection is primarily by mechanical means.

CONTROL METHODS

Mechanical erosion-control measures usually fall into two general classes: (1) Those which retard flow along the bank and promote deposition, and (2) those which form a cover and protect the bank from direct action of the current.

Permeable jetties constructed of piling, rock, trees, or other materials are examples of protection causing deposition. Jetties may be designed either to detect the current away from the bank or to reduce its velocity adjacent to the bank to a degree that erosion is halted.

Living vegetation, brush matting, rock riprap, concrete, and asphalt linings are examples of protective bank cover.

Streambank-erosion control usually requires group action by the landowners affected, since the problem extends beyond any one owner's control.

The Soil Conservation Services provides limited technical assistance through soil and water conservation districts for streambank-erosion control as a part of regular conservation operations.

SCS also provides technical and financial assistance to individuals and groups of landowners to treat streambanks in approved watershed projects. The Buffalo Creek Project in western New York is an example of what can be done with adequate planning and installation through project action.

PROJECT ACTION

Buffalo Creek watershed covers an area of 437 square miles. The problem was mainly erosion of roads and farmland and of streambanks. The resulting sediment was being deposited in Buffalo Harbor where it interfered with shipping and had to be removed at great expense. This public damage justified Buffalo Creek as one of 11 flood-prevention watersheds authorized by the Flood Control Act of 1944. The sponsor was the Joint Board—Erie Wyoming Soil and Water Conservation District.

Stabilization work on Buffalo Creek consisted generally of bank-sloping, riprapping the lower toe of the slope, and planting the upper bank to adapted grasses and shrubs. Some 59 miles of channel were treated.

A study by the Agricultural Research Service showed that the amount of sediment that had to be removed from Buffalo Harbor was reduced by 24 percent by 1963, when 75 percent of the project was completed. Studies are continuing since completion of the project.

TEAMWORK BY LANDOWNERS

The teamwork approach in stabilizing streambanks is also being used by landowners using their own funds supplemented by cost-sharing from other sources. For example, cooperators of the Little Snake River Soil and Water Conservation District, Wyoming, are making use of technical help from the Soil Conservation Service and financial aid from the Agricultural Stabilization and Conservation Service. Timely streambank-protection measures there averted serious damage to irrigation canals that carry water to about 60 ranches in the valley. Blankets of trees or rocks and rock jetties were used to keep erosive currents away from the banks.

The Agricultural Stabilization and Conservation Service gave financial assistance to 3,623 streambank-stabilization projects in 1966. SCS reports indicate that treatment was accomplished on 469 miles of eroding streambanks.

When compared with the total job to be done, the rate of accomplishment is much too slow.

At the present rate of treatment, it will require some 600 years to treat the Nation's eroding streambanks. Methods of controlling streambank erosion are known. The costs are high and generally beyond the means of individuals or groups. Broad public interest is involved where erosion occurs along

streambanks. This problem requires additional governmental action in cooperation with private landowners if it is to be solved.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., August 12, 1969.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I am submitting the attached report in response to Section 120 of the River and Harbor Act of 1968 (Public Law 90–483). As directed by the Section, it sets forth the results of a study of the nature and scope of the damages that result from streambank erosion throughout the United States and related conclusions on the need for and feasibility of a coordinated program of streambank protection.

I am pleased to acknowledge the generous cooperation extended by many Federal agencies, particularly the Department of Agriculture, Department of the Interior and the Tennessee Valley Authority. The Soil Conservation Service of the Department of Agriculture, took primary responsibility for obtaining the data on upstream watershed areas.

The report presents the first reasonable estimate of streambank erosion for the Nation as a whole. It shows that damage of some degree is occurring on approximately 549,000 miles, or 8 percent, of the 7 million miles of streambank in our Nation. Of this total, however, the damage occurring on about 148,000 miles is sufficiently serious to warrant future studies in varying degree of detail with a view to remedial action. Damages resulting from erosion in these reaches are estimated to total some $90 million annually, half from sediment damage, a third from land losses, and the rest from other types of damages. While data for informed judgment are scanty, damages suffered along the remaining reaches of the Nation's streams are probably in the order of $30 to $40 million annually.

A large amount of streambank protection, over 6,000 miles, has been or is being installed under various Federal programs. Most of these remedial measures have been undertaken as integral parts of projects constructed for other purposes. There have been, however, a relatively small number of installations specifically for bank protection purposes under emergency and other authorities. Review of experience with a variety of measures has demonstrated the difficulties of providing effective and lasting protection for eroding streambanks. Measures to reduce streambank erosion have been found generally to be costly to install and to maintain and much of the damages from streambank erosion cannot therefore, from economic or other standpoints, be justifiably remedied at this time. These factors indicate that the most practical approach would combine (1) careful consideration of streambank erosion problems at individual stream localities, particularly at potentially severe damage reaches, weighing of benefits and costs, and with due regard to effects on other stretches of the stream and (2) a vigorous research and development effort, under existing agency authorities, to improve and develop low-cost remedial measures and to more fully understand the erosion process and its effects.

Increased attention should be devoted to further refinement of estimates of the extent and severity of streambank erosion problems in accomplishing water resource framework plans being developed under the aegis of the Federal Water Resources Council. Needed measures for streambank protection can, in this way, be viewed in a river basin context and in the perspective of all related water resources developments.

Under the requirements of Section 120 of Public Law 90–483, the Secretary of the Army is directed to report to the Congress his recommendations on matters pertaining to the streambank erosion study, particularly with regard to an appropriate division of responsibility between Federal and non-Federal interests. Within the time limits established for this study, I was unable to develop a sound recommendation for this division of responsibility. Pending further study of this complicated policy question, I consider that the present division of responsibility, derived from a number of previous individual authorizations, should not be changed at this time.

Since the problems of streambank erosion concern several member agencies of the Water Resources Council, I believe it would be desirable after transmittal of this report and your recommendations to the Congress, to submit the report to the Council for its consideration of planning and other factors discussed in the report. I would be pleased to make available to interested parties the wealth of detailed data collected during the course of this study but which have not been included in the report.

Sincerely yours,

F. P. KOISCH,
Major General, U.S.A.,
Acting Chief of Engineers.

A NATIONAL ASSESSMENT OF STREAMBANK EROSION

AUTHORITY

This report is made in response to that portion of Section 120 of the River and Harbor Act of 1968, (Public Law 90–483) which is concerned with streambank erosion and reads as follows:

"SEC. 120. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make studies of: (1) The nature and scope of the damages which result from streambank erosion throughout the United States, with a view to determining the need for, and the feasibility of, a coordinated program of streambank protection in the interests of reducing damages from the deposition of sediment in reservoirs and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion.

"(b) The Secretary shall report to Congress not later than one year after the date of enactment of this Act, the results of such studies together with his recommendations in connection therewith, including an appropriate division of responsibility between Federal and non-Federal interests."

STUDY SCOPE

The report is an assessment of the streambank erosion problems as they presently exist in all fifty states. Data on natural and man-induced streambank erosion were assembled or estimated for all rivers, streams and man-made channels with drainage areas generally larger than one square mile, and compiled by water resource regions (see map, page 2). The banks of estuaries, sea-coasts, lakes and reservoirs (defined as impoundments with water surfaces higher than the normal channel bankful stage and extending into the flood plain) were excluded. Since no appropriations were provided for the study and this report was required to be submitted within one year, extensive field investigations could not be conducted. Consequently, primary reliance has been placed on the collection of streambank erosion data from prior studies (Table A, Appendix A) and from estimates made by experienced field personnel using reconnaissance-type surveys, and sampling or extrapolation techniques (Table B, Appendix A). In addition, Federal experience in bank protection was reviewed and is presented in Table 2.

INTER-AGENCY COOPERATION

All agencies with an interest in streambank erosion, both Federal and State, were invited by the Corps of Engineers to participate in the study. Interagency coordinating meetings were held in Washington, D.C. and in field offices and cooperation was excellent. The Departments of Agriculture and the Interior, and the Tennessee Valley Authority were instrumental in achieving thorough coverage of the Nation's streams. Particular recognition should be given to the Soil Conservation Service (SCS) of the Department of Agriculture. The SCS, at the request of the Corps of Engineers, assumed primary responsibility for the coordination and appraisal of streambank erosion data on headwater channels generally above the points at which the drainage areas equal 250,000 acres (approximately 400 square miles). The Corps was responsible for the data on areas larger than 250,000 acres, as well as for preparation of the overall report. A list of the other Federal agencies consulted appears in Appendix C.

STUDY LIMITATIONS

This assessment confirms that there is only a small amount of reliable data available on streambank erosion. Not quite 20,000 stream miles out of a possible 3½ million have been subjected to prior studies. Under the time and financial constraints existing for this report, it was necessary to develop estimated data on the remaining 99 percent of the country's streams. The estimated data were developed by numerous individuals and teams from the various participating agencies using techniques considered appropriate for the streams in question. Despite these limitations, the data help fill an important water-resource information gap, and provide the first overall assessment of streambank erosion in the United States. However, the data contained herein are generally not of sufficient accuracy and detail to serve other purposes such as project justification and authorization.

FACTORS IN THE PRODUCTION OF STREAMBANK EROSION

In the erosion process, energy from streamflow, ice, floating debris, and gravity is applied to the streambank and bed. If the energy is greater than the resistance of the soil particles forming the channel, erosion results. However, it is extremely difficult, and in many cases impossible, to specify the particular cause of erosion at any given location, or the amount attributable to that cause. This section presents a brief, simplified discussion of factors important in bank erosion.

BANK RESISTANCE

The resistance of the streambank to erosion is determined by its soil composition and condition. A soil may be composed by any combination, size, and gradation of materials such as sand, gravel, rock, clay, silt, organic matter, and a number of chemical compounds. Generally, as the percentage of binding materials (silts and clays) increase, erodability decreases, although chemical content is also known to be a factor. Well-graded, angular soils have high internal friction due to the interlocking of particles and are, therefore, less erodible than rounded, poorly-graded soils. Erodability is also dependent on soil condition, particularly on its water content. For the most part, soil moisture acts as a lubricant and as the moisture content increases, resistence to erosion decreases. If the moisture content increases to the point of saturation, soil resistance to shear can be overcome by its own weight and large chunks of the bank will slide into the stream. A similar reduction in shear strength is brought about by alternate freezing and thawing. A bank may be formed by several soil strata each completely different from the others. Where the stratification is vertical, it is possible to encounter soils with different characteristics every few feet on the same stream. Where the stratification is horizontal, the erosion of a lower, non-cohesive layer will undermine upper layers causing them to fall into the stream even though they may, by themselves, be of sufficient strength to withstand direct action of the streamflow.

Streamflow

The influence of streamflow on bank erosion stems from the magnitude and frequency of discharge and the velocity of flow. High discharges increase the amount of bank subject to saturation and to direct erosion. The more frequently these events occur, the more erosion will result. It is also well known that the size of a channel is directly related to its discharge. Should the mean annual discharge increase for any reason, as by a diversion from another stream, channel width and depth will increase by erosion until a satisfactory size is reached. The erosive action of streamflow is also greater with increased velocity.

Sediment

Total sediment load of a stream is usually divided into two categories, bed load (that material traveling on or just above the stream bottom) and suspended load (sediment distributed from the water surface to the bed load). The effect of stream sediment on bank erosion is related to the amount of total sediment and the ratio of bed load to suspended load. For example, a wide channel is necessary for the efficient transport of a large bed load. Thus, if a stream changes from primarily suspended load to bed load sediment, its channel width will increase. Furthermore, additional stream energy is required to transport the increased bed load. Since, initially, the additional energy is not available, aggradation will occur which increases the frequency of overbank flows. In a sinuous, alluvial stream, the increased flooding tends to destroy the channel meanders, resulting in a straighter channel of steeper gradient which provides the additional energy required to move the increased bed load.

Other factors

There are a number of individual erosion-producing factors such as wave action, ice flows, and debris. The sudden drawdown of prolonged high stages and rapidly fluctuating stages may, in certain cases, contribute to bank erosion. In instances where these events occur frequently, they may be substantial erosion producing factors.

Channel equilibrium and interrelated factors

The flowing stream is a dynamic entity, constantly seeking to establish a state of equilibrium or steady relationship among its discharge; amount and type of sediment load; channel width, depth and slope; velocity; and the material forming its bed and banks. If one of these variables is altered, a stream that was formerly in equilibrium will attempt to change one or more other variables and reestablish that state. Recent investigations on certain alluvial streams indicate that channel depth will change directly with discharge but inversely with the ratio of bed load to suspended load, and that the channel gradient will decrease with an increase in discharge but will increase with an increase in the ratio of bed load to suspended load. Increases in channel width and sinuosity are achieved by bank erosion. Unfortunately, however, the complete understanding of the interrelationship of channel variables is not presently available.

Man as a factor

Some of the erosion-producing factors described above are long term or geologic in nature and others are of a relatively short term nature. However, man's activities have influenced, and in some cases accelerated, both these types of events. Reservoirs which reduce flood peaks may increase the duration of bankfull stages downstream from the dam. By trapping suspended and bed load sediment, a reservoir releases comparatively clear water and alters the previous stream equilibrium. Increase in recreational and commercial water traffic on inland streams contributes to the erosion produced by wave action. By encroachment, man reduces the cross-sectional area of the channel available to carry the flow of the streams, thereby locally increasing the velocity and ability to erode.

NATURE OF DAMAGES

As used in this study, the term damages refers to a direct or indirect loss of income (or increase in costs), or reduction in environmental quality as a result of streambank erosion. Three categories were recognized: land loss, sediment, and others.

Land loss

The most apparent damage from bank erosion results from the loss of land. Precisely used, land loss would only be applied to those cases where the stream morphologic process results in channel enlargement. Usually, however, the term is used to describe the exchange of land that occurs (1) when land is lost at the concave bank by erosion and is gained at the convex bank by deposition or (2) when the stream cuts a new channel and abandons the old one. In most cases such an exchange creates a net economic loss since the "new" land is of uncompacted, generally coarse soil and lower in elevation. Rarely is it immediately as valuable or productive as the land that was eroded. In addition, costly resurvey and litigation may be necessary to settle disputes that arise if the stream is being used as real estate property boundaries. Also included in the land loss category of damage is the under-utilization of land due to the threat of bank erosion. The potential for substantal economic damages due to land loss is often great in highly developed urban areas.

Sediment

Although the erosion of streambank material contributes to the total sediment load of the Nation's streams, it is not nearly as large a contributor as sheet and gully erosion. Suspended sediment from any source can increase water treatment costs, and adversely affect the operating life of machinery, shellfish quality, recreational use, and aesthetic values. Extensive dredging is necessary to remove accumulated sediment in order to maintain adequate harbor and waterway depths. Deposited sediment reduces the value of fish and shellfish habitat and increases the required amount of total storage (and thereby the cost) of reservoirs. While soil particles are carried in suspension or moved along as bed load, chemical compounds previously existing in the bank material may become part of the stream's dissolved solids. Some of the compounds contain nutrient elements such as phosphorus and nitrogen that stimulate the rapid growth of obnoxious plants and organisms, which, upon decay, decrease water quality. In contrast to other types of streambank erosion damages, sediment damages usually occur far from the site of the erosion.

OTHER DAMAGES

For various reasons, many public and private facilities are located on stream banks. Damages occur to these facilities when the bank erodes sufficiently to preclude safe operation. Where the failure of some structural feature such as a flood wall, bridge, or water treatment plant would endanger life and health, virtually no erosion can be tolerated. Another type of damage occurs when undermined trees and brush which fall into the channel become unsightly debris and submerged logs which may clog channels, raise flood heights and damage commercial and recreational vessels, unless removed. With few exceptions, the eroded banks are themselves unsightly and contribute to a reduction in environmental quality.

BENEFICIAL ASPECTS OF BANK EROSION

As indicated in paragraph 5, streams will attempt to increase their channel width under certain conditions. If the widening results in a greater channel capacity and a lower stage for a given discharge, some benefits would accrue due to the reduced frequency and degree of flooding. Benefits may also result from bank erosion as a source of part of the total sediment load in a stream. Much of the sand necessary for maintaining the Nation's coastal beaches is derived from stream sediment. If a stream has reached a state of equilibrium in which channel dimensions, slope, discharge, and sediment load are in balance, any substantial reduction or change in type of sediment being transported would result in the channel making some compensating adjustment which could be more damaging than the sediment.

MEASUREMENT OF DAMAGES AND BENEFITS

Under present Federal practices, project evaluation involves an expression, primarily in monetary terms, of the damages occurring and how much these damages will be reduced by the project under consideration. Such an evaluation is difficult even for those functions for which damages and benefits can be readily identified, quantified, and translated into monetary terms. As discussed in paragraphs 6 and 7, the damages and benefits from streambank erosion are seldom obvious, and are usually intermixed with damages and benefits from other sources. Some effects become evident only over a long period of time and others simply defy quantification and monetary evaluation, for example, the value of improved environmental quality or esthetics. The accurate separation of sediment from bank erosion and sheet erosion, once it has entered the stream, requires extensive field measurements. Where sediment ends up, and what effects it has are often difficult to determine. The amounts and types of sediment that can be tolerated by marine ecological systems have not been satisfactorily determined. Making these determinations and answering many other related questions is time consuming and expensive. Often the answers will not be as accurate as desired and there may well be bank erosion effects of which we are now unaware. This difficulty in evaluation of benefits and damages from streambank erosion is a significant obstacle to planning and justifying effective bank protection measures.

EXTENT OF STREAMBANK EROSION

This study reveals that out of an estimated 3½ million miles of streams (7 million bank miles) a total of approximately 8 percent or 549,000 bank miles are currently experiencing erosion to some degree. Of this, about 78 percent occur west of the Mississippi River main stem. Although incomplete, the data available indicate the total damages for all degrees of bank erosion to be in order of $120 million to $130 million annually. Much of the total erosion is quite mild in degree and probably low in its resulting damages. Consequently, the investigations for this report concentrated on that streambank erosion which appeared, in the judgment of the reporting field offices, to be severe enough to merit further examination to determine if some form of action should be undertaken to reduce the damages. A total of almost 148,000 bank miles were reported having this degree of erosion, with about 56 percent located west of the Mississippi River main-stem. While this degree of erosion occurs on only 2 percent of the 7 million bank miles in the Nation, it results in an estimated total of $90 million of damages annually, of which $28 million are due to land loss, $42 million are from sediment, and $20 million are from other causes. The most severely affected Region is the Arkansas-White-Red, with one-third of the total estimated damages. Eleven of the nineteen regions experience larger damages due to sediment than to land loss or other causes. The estimated average annual cost to prevent the more serious erosion is $420 million based on the methods presently in use. These estimates indicate that for many stream reaches, the cost of preventing streambank erosion greatly exceeds the damages being sustained.

There are, of course, many locations where detailed studies would show the prevention of damages merit the cost of protection. Erosion data for individual regions may be found in Table 1, "National Assessment of Streambank Erosion by Water Resource Regions." Although not shown in the tables, estimates were made of the cost of the numerous detailed studies necessary to appraise the need for and feasibility of reducing the damages. The total estimated cost of these studies, on all 148,000 bank miles, is $161 million. This figure assumes that each and every mile of erosion would be investigated to the same degree. However, relatively early in each study it would become obvious that a substantial number of miles could not satisfy the justification criteria and would be excluded from further consideration thereby lowering the study cost considerably.

TABLE 1.—NATIONAL ASSESSMENT OF STREAMBANK EROSION BY WATER RESOURCES REGIONS [1]

[Dollar amounts in thousands]

Water resource region	Region totals		Extent of the erosion meriting further examination					
				Average annual damages				Average annual treatment cost
	Length of channels (stream-miles)	Length of erosion (bank-miles)	Length of erosion (bank-miles)	Land loss	Sediment	Other	Total damages	
Alaska	568,000	58,000	20	$60	----------	$300	$360	$340
Arkansas-White-Red	218,300	56,500	22,820	6,770	$16,110	7,150	30,030	105,780
California	143,000	49,800	8,220	6,780	6,230	5,170	18,180	18,010
Columbia North Pacific	345,400	33,600	21,150	1,550	5,250	770	7,570	19,560
Colorado	294,900	25,200	3,930	320	840	370	1,530	3,630
Great Basin	148,600	5,600	2,200	110	700	150	960	1,500
Great Lakes	114,700	14,600	8,480	540	830	240	1,610	15,470
Hawaii	2,600	20	0	----------	----------	----------	----------	----------
Lower Mississippi	89,400	5,800	4,220	1,890	860	1,360	4,110	19,840
Middle Atlantic	99,200	13,900	5,160	520	1,010	740	2,270	10,220
Missouri River	538,200	52,800	11,200	3,020	1,540	540	5,100	23,950
New England	48,200	1,900	380	70	370	20	460	1,340
Ohio	147,800	25,900	11,520	1,660	880	540	3,080	21,140
Rio Grande	101,800	54,800	10,170	410	3,650	780	4,840	83,760
Souris-Red-Rainy	67,200	1,200	80	160	----------	240	400	380
South Atlantic Gulf	200,300	28,000	23,750	1,840	1,940	230	4,010	13,690
Tennessee River	32,800	4,100	1,700	70	80	160	310	590
Texas Gulf	149,500	98,300	4,210	700	1,420	410	2,530	69,820
Upper Mississippi	225,000	19,000	8,400	1,130	540	910	2,580	11,000
U.S. total	3,534,900	549,020	147,610	27,600	42,250	20,080	89,930	420,290

[1] A combination of tables A and B, app. A. Discrepancies between table 1 and the summation of tables A and B, app. A, are due to rounding.

REVIEW OF EXPERIENCE IN BANK PROTECTION

Data were collected for Federal and Federally assisted projects, constructed and under construction as of 1 July 1969, which include measures for the reduction of streambank erosion damages, whether bank protection was a project purpose or not. Data for these projects, summarized and tabulated by water resource regions in Table 2, indicates that over 4,000 miles of streambank protection have been completed and an additional 2,000 miles are under construction, at a total cost for the bank protection features of $1.8 billion. These figures exclude measures undertaken by State and local interests and authorized Federal projects not yet under construction. Most of this bank protection was undertaken to serve a different project purpose. About 58 percent of the reported $1.8 billion of total costs, stems from what is considered a single project, the Mississippi River and Tributaries, where it was necessary to undertake massive bank and levee protection measures for flood control and navigation. The Arkansas-White-Red and Missouri Regions also have substantial bank protection costs incurred for other purposes. However, a number of projects have been constructed or authorized in which features for the prevention of streambank erosion are not related in any way to other purposes. Examples of such single purpose bank protection are contained in the Williamette River Basin Bank Protection Project (authorized by Flood Control Act of 22 June 1936, as amended) and that portion above Index, Arkansas of the Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma (also known as the Red River below Denison Dam) authorized by the River and Harbor Act of 13 August 1968.

TABLE 2.—FEDERAL OR FEDERALLY ASSISTED PROJECTS WITH STREAMBANK PROTECTION FEATURES CONSTRUCTED AND UNDER CONSTRUCTION AS OF JULY 1, 1969

[Dollar amounts in thousands]

Water resource region	Length of reach protected (stream-miles)			Costs of streambank protection features [1]		
	Constructed	Under construction	Total	Constructed	Under construction	Total
Alaska	5	0	5	$4,460	----------	$4,460
Arkansas-White-Red	100	300	400	29,170	$147,040	176,210
California	1,400	190	1,590	61,780	10,120	71,900
Columbia North Pacific	1,270	0	1,270	61,430	130	61,560
Colorado	120	250	370	----------	----------	----------
Great Basin	50	1	51	6,170	30	6,200
Great Lakes	60	20	80	4,800	----------	4,800
Hawaii	----------	----------	----------	----------	----------	----------
Lower Mississippi	680	340	1,020	738,820	380,290	1,119,110
Middle Atlantic	20	0	20	3,970	----------	3,970
Missouri	380	780	1,160	27,320	336,600	363,920
New England	10	0	10	$210	----------	$210
Ohio River	50	20	70	4,130	$3,400	7,530
Rio Grande	10	0	10	250	----------	250
Souris-Red-Rainy	----------	----------	----------	----------	----------	----------
South Atlantic Gulf	30	10	40	1,350	450	1,800
Tennessee	20	2	22	760	20	780
Texas Gulf	10	0	10	900	----------	900
Upper Mississippi	1	2	3	40	40	----------
U.S. total	4,220	1,915	6,131	945,560	878,120	1,823,680

[1] The majority of these costs are for bank protection features as part of multiple-purpose projects primarily developed for flood control, navigation, irrigation, and other purposes or some combination thereof.

The history of projects which include streambank protection measures indicates that not all have performed as had been expected. Occasionally, a meandering or braided stream will form a new channel, bypassing existing bank protection. When one reach is stabilized the erosion may shift to an unprotected location. In several instances, the protection measures have themselves failed. Such events have occurred to both Federal and non-Federal measures but the rate of failure is higher among projects undertaken by local interests. One of the principal reasons for inadequate project performance can be attributed to a lack of adequate understanding of the multiple and interrelated causes and effects of streambank erosion. Some failures, of course, are due to project design capability being exceeded, or to inadequate maintenance. As a general rule, bank protection requires frequent and expensive maintenance. When such projects are turned over to local interests, the maintenance cost may be more than they can bear. The nature of bank erosion often requires that a single project cover many miles and may pass through several political boundaries. In a few such instances the several jurisdictions involved by a proposed project were unable to reach accord on cost-sharing or other matters, and as a result, several economically justified projects could not be built.

ADEQUACY OF EXISTING FEDERAL AUTHORITIES

Three Federal aegncies, the Departments of the Army, Agriculture, and the Interior are presently charged with the primary responsibilities for the development, conservation, and management of the Nation's water resources. All three have previously investigated and constructed measures for

the reduction of streambank erosion damages. However, as indicated in paragraph 10, such efforts have usually been undertaken as an integral feature of a project designed to accomplish entirely different purposes, such as flood control, navigation, irrigation and others. Field reports from these agencies indicate that, under present conditions, existing authorities, procedures, and precedents are generally adequate to give the reduction of damages from bank erosion parity with other water resources purposes. They also indicate existing cost-sharing arrangements to be generally satisfactory. In the preparation of this study, however, cooperating agency field offices have indicated three aspects of the bank protection program that are inadequate and deserve further consideration: (1) recognition of sediment reduction as a pollution control measure; (2) addition of bank protection features to an existing water resources project that was originally authorized without provisions for bank protection, and (3) provision of emergency bank protection for highways, bridge approaches, and other public facilities. The third problem stems from the increase in construction costs that has taken place in the twenty-three years since passage of the 1946 Flood Control Act, which authorizes a maximum of $50 thousand for emeregncy bank protection at any location and $1 million annually for all locations. Increased costs have reduced the purchasing power of original monetary limits to one-third their original value. These aspects will require continued reexamination with a view toward the submission of such legislation as may be found appropriate.

RESEARCH NEEDS

During the past 50 years, extensive research has been conducted in certain areas relevant to streambank erosion, such as the determination of suspended and bed load transport capacities and their effects on stable, alluvial stream regimes. But, activities to develop bank protection methods have been slanted towards large alluvial streams. This study, however, indicates that an additional, three-pronged research effort is urgently needed if the damages which result from streambank erosion are to be effectively reduced. Research should be directed toward (1) better understanding of the mechanics of erosion processes and of stream morphology—long-term channel development and behavior, (2) developing new low-cost methods of preventing bank erosion, and (3) determining better techniques for the evaluation of damages due to streambank erosion and the benefits from its control. The research would involve a literature search, theoretical and laboratory analyses, and field investigations and tests. Most of the required basic facilities and key personnel are presently available, but additional funds would be required.

SUMMARY AND CONCLUSIONS

For the first time, data have been obtained and presented on the nature and scope of streambank erosion damages throughout the United States. In areas where data were not previously available or where no significant erosion were thought to exist, a closer examination revealed that substantial damages occur.

Streambank erosion is an extremely complex subject from the point of view of its genesis, its effects, and its prevention. Whether or not erosion occurs depends upon the resistance of the soil composing the bank, as determined by its composition and condition, and the erosive ability of the stream. Why some banks erode and similar ones do not is not fully known. A number of variables are involved in the process and may exert their influence individually. More often, however, streambank erosion is the result of a complex combination of variables, making it extremely difficult to understand, to predict, and to treat. Precise quantitative analysis and evaluation of damages from bank erosion are also very difficult and, in some cases, impossible. Some benefits, such as increased channel capacity and nourishment of coastal beaches, do occur from bank erosion but they are even more obscure than the damages and could not be meaningfully estimated for this report.

Streambank erosion is widespread. Of the nineteen water resource regions, only Hawaii can be considered as substantially unaffected. An estimated 549,000 miles of bank or 8 percent of the Nation's total, is undergoing some degree of erosion. Of this, 148,000 miles or 2 percent, merits further examination to determine if some form of treatment is justified. Damages, estimated for the 148,000 miles, are categorized as stemming from land loss, sedimentation, and other detrimental effects such as undermining structures and the reduction of esthetic appeal and total $90 million in damages annually. Of these damages, almost one-half is due to sedimentation from bank erosion. This damage estimate reflects, in part, the growing awareness of adverse effects of sediment influence on marine ecosystems and the quality of the environment as well as the more tangible damages from siltation.

The annual cost of treatment for the prevention of the reported $90 million damages is estimated to be $420 million, indicating that many of the areas suffering damages cannot be economically treated. The stream reaches meriting treatment will, for the most part, be widely scattered.

A substantial investment of about $1.8 billion has already been committed in bank protection facilities wholly or partially under Federal sponsorship. Most of this investment was made in projects for flood control, navigation, irrigation and other purposes although a very small investment has been made in projects for the sole purpose of bank protection.

Effective streambank protection measures are costly to install and to maintain. For this reason, a substantial research program is needed to develop cheaper and more effective methods of treatment. Such a program should also include efforts to improve our understanding of the mechanics of stream channel behavior and bank erosion, our evaluation of damages and benefits, and our ability to predict adverse results that may occur from installing remedial measures.

The nature, extent, and cost of prevention of streambank erosion damages indicate that a case-by-case approach is best suited to Federal efforts to deal with streambank erosion problems. Present Federal authorities and institutional arrangements are generally adequate to carry out this type of program. However, since bank erosion is but one element to be considered in conservation, development, and management of our water and land resources, adequate data should be included in comprehensive framework plans, now being accomplished under the aegis of the Federal Water Resources Council, to provide continuing, coordinated assessment of the overall problem. The importance of such attention will increase as demands on the Nation's streams grow, as urban areas and public facilities increase in number along the waterways, therefore making less tolerable the adverse effects of stream bank erosion.

APPENDIX A

TABLE A.—EXISTING STREAMBANK EROSION DATA FROM PRIOR STUDIES [1]

[Dollar amounts in thousands]

Water resource region	Totals (areas covered by prior studies)		That portion of prior studies meriting further examination						
	Length of channels (stream-miles)	Length of erosion (bank-miles)	Length of erosion (bank-miles)	Average annual damages				Average annual benefits [2]	Average annual treatment costs [2]
				Land loss	Sedimentation	Other	Total damages		
Alaska	(3)								
Arkansas-White-Red	600	600	500	$3,330	$40	$5,650	$9,020	$12,440	$11,470
California	12,200	6,200	1,000	530	610	1,730	2,870	3,420	6,610
Columbia North Pacific	1,000	700	600	580	480	240	1,300	1,180	2,080
Colorado River	400	200							
Great Basin	600	100	5	5	10	20	35	30	20
Great Lakes	2,200	4,000	1,700	50	220	0	270	230	240
Hawaii	(3)								
Lower Mississippi	100	60	60	530	20	720	1,270	1,270	1,820
Middle Atlantic	500	100	80	30	60	40	130	30	80
Missouri River	1,300	400	300	440	30	30	500	2,040	2,900
New England	20	10	10	10			10	5	40
Ohio	40	30	20	50		40	90	90	300
Rio Grande	(3)								
Souris-Red-Rainy	(3)								
South Atlantic Gulf	300	600	600		40	10	50	2	40
Tennesse	(3)								
Texas Gulf	(3)								
Upper Mississippi	(3)								
U.S. totals	19,260	13,000	4,875	5,555	1,510	8,480	15,545	20,737	25,600

[1] The results of these studies revealed many potential streambank protection projects to be, economically, not justified.

[2] When bank protection measures are included in multiple-purpose projects, a portion of the benefits and cost related to other project purposes are attributed to the bank protection feature.

[3] No recent studies.

TABLE B.—ADDITIONAL STREAMBANK EROSION DATA—ESTIMATES FOR AREAS NOT INCLUDED IN PRIOR STUDIES

[Dollar amounts in thousands]

Water resource region	Totals (areas not covered by prior studies)		Estimated extent of erosion meriting further examination							
				Average annual damages						
				Land loss						
	Length channels (stream-miles)	Length erosion (bank-miles)	Length erosion (bank-miles)	Urban	Rural	Total	Sedimentation	Other	Total damages	Average annual treatment cost
Alaska	568,000	58,000	20			$60		$300	$360	$340
Arkansas-White-Red	217,700	55,900	22,300	$130	$3,300	3,430	$16,070	1,500	21,000	94,320
California	130,800	43,600	7,200			6,250	5,620	3,440	15,310	11,400
Columbia North Pacific	334,300	32,900	20,600	200	780	980	4,770	530	6,280	17,480
Colorado	294,500	25,000	3,900			320	840	370	1,530	3,630
Great Basin	148,000	5,400	2,200	50	60	110	700	130	940	1,520
Great Lakes	112,600	10,500	6,800			490	610	240	1,340	15,230
Hawaii	2,600	20	0			0	0	0	0	0
Lower Mississippi	89,300	5,700	4,200			1,360	840	640	2,840	18,010
Middle Atlantic	98,700	13,800	5,100	30	450	480	950	710	2,140	10,140
Missouri River	537,000	52,300	10,900	230	2,350	2,580	1,520	500	4,600	21,050
New England	48,200	1,900	400			60	370	20	450	1,300
Ohio River	147,800	25,900	11,500	800	810	1,610	880	500	2,990	21,100
Rio Grande	101,800	54,800	10,200	3	407	410	3,650	780	4,840	83,800
Souris-Red-Rainy	67,200	1,200	100	30	140	170	0	240	410	380
South-Atlantic Gulf	200,000	27,400	23,200	150	1,690	1,840	1,900	220	3,960	13,650
Tennessee	32,800	4,100	1,700			80	80	160	320	590
Texas Gulf	149,500	98,300	4,200	2	700	702	1,420	410	2,532	69,820
Upper Mississippi	225,000	19,000	8,400			1,130	540	910	2,580	11,000
U.S. total	3,515,800	535,720	142,920	1,625	10,687	22,062	40,760	11,600	74,422	394,760

APPENDIX C.—FEDERAL AGENCIES CONTACTED FOR PARTICIPATION IN THE NATIONAL ASSESSMENT OF STREAMBANK EROSION

Department of Agriculture.
Forest Service.
Agricultural Research Service.
Soil Conservation Service.
Department of Interior.
Bureau of Land Management.
Bureau of Outdoor Recreation.
National Park Service.
Geological Survey.
Bureau of Indian Affairs.
Bureau of Sport Fisheries and Wildlife.
Federal Water Pollution Control Administration.
Department of Health, Education, and Welfare.
Federal Power Commission.
International Boundary and Water Commission.
Tennessee Valley Authority.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SENATOR NORRIS, FATHER OF TVA

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. BAKER. Mr. Speaker, I am happy to join many of my colleagues from TVA country today in applauding TVA on its 38th birthday for its many contributions to the welfare of the Tennessee River Valley region as well as that of the entire Nation.

In marking this occasion, it seems to me, it is important not to overlook former U.S. Senator George Norris, Republican of Nebraska, for his important role in bringing the TVA into being.

For many years, private power companies had been interested in developing the Muscle Shoals site on the Tennessee River in Alabama. Under the Wilson administration, a dam and hydroelectric powerplant, nitrate plants, and steam facilities were built. In the 1920's, private business reasserted its demands for sale of the properties by the Federal Government.

The foresight of Senator Norris, chairman of the Senate Agriculture and Forestry Committee, with jurisdiction over the nitrate plants, prevented the sale. Senator Norris' conviction the area should be retained by the U.S. Government and developed by a public agency as part of a multiple-use conservation project made later creation of the TVA possible.

Senator Norris persisted in his efforts to provide for permanent Federal operation of the Muscle Shoals properties, and in 1933 the Senate passed the Norris-sponsored TVA Act. The measure, as amended in 1935, created the TVA as an independent agency with a three-member board of directors responsible to the President. In scope and vision, the Norris bill was more far reaching than any earlier proposals. With its broad, imaginative program embodying power, navigation, flood control, and fish and wildlife development among its purposes, the TVA stands as a tribute to the farsighted wisdom and dedication of Senator George Norris.

A RESOLUTION COMMENDING THE OKLAHOMA MEDIHC PROGRAM

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. JARMAN. Mr. Speaker, I would like to share with my colleagues a resolution adopted by the Oklahoma Public Health Association commending the accomplishments of the Oklahoma MEDIHC program in placing servicemen in civilian health occupations.

The resolution follows:

RESOLUTION

In view of the outstanding accomplishments of the Oklahoma MEDIHC program whereby former servicemen engaged in health occupations while in the service, have been counseled and placed in civilian health occupations, and whereby during the six month period between July, 1970 and January, 1971, MEDIHC has been responsible for the placement of 12 discharged medical corpsmen in full time jobs, 17 in education health careers and 10 in work study programs.

Be it resolved that the MEDIHC program and its sponsors, the Regional Medical Program, the Oklahoma State Health Planning Agency and the Oklahoma Council for Health Careers be commended for its outstanding contributions in this area.

Adopted this 16th day of April, 1971, in the business session of the 30th annual meeting of the Oklahoma Public Health Association.

HARASSMENT OF U.S. FISHERMEN BY FOREIGN VESSELS OFF NORTHEAST COAST

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. KEITH. Mr. Speaker, once again I take the floor to report to the Congress and to this country that more massive and deliberate harassment incidents have occurred off the northeast coast of the United States. These incidents were just like the increasing number of other destructive and dangerous confrontations that have been plaguing our fishermen with increasing frequency in recent years. These incidents involve numerous Soviet or Communist-bloc nation fishing vessels which steam through marked lobster pot areas well within the confines of the Continental Shelf.

Mr. Speaker, our fishermen, and primarily our lobster fishermen, who have prior rights of occupation in these areas, and who have observed the courtesies and rules of the road, are being driven from their fishing grounds. They are losing their gear to these wanton intruders, and they are finding their resources, their vessels, and their very lives in jeopardy. We must stop this growing menace now and protect our ocean entrepreneurs.

It is incredible and intolerable, Mr. Speaker, that we, a mighty and powerful nation, cannot and are not protecting the constitutional and moral rights of a minuscule minority of U.S. citizens only 50 miles off our coast. However, we are protecting similar rights, and even the rights of entire nations, on lands, on ships, and in countries around the world.

We in the Congress reject the concept of intimidation in our streets and on our land. We must also reject this concept as it now occurs on the oceans. It is time that we support and protect these courageous fishermen who oftentimes face the fury of the seas and now have the added intimidation of foreign flotillas.

For the moment, Mr. Speaker, I have the assurance that we will have some surveillance from the Coast Guard in this area of harassment. I have been advised that a cutter will maintain position in the vicinity as long as lobster gear or men are there unless a higher priority mission should require her to leave.

The State Department is aware of and deeply concerned about the growing nature of the problem. They recently sent a diplomatic note to the embassy of every country which fishes off our east coast. The note pointed out the growth of the problem, where it was occurring, and requested that countries involved issue instructions to their vessels to pay attention to the operation and markings of all other vessels and equipment in order to avoid conflicts. State further noted the impending U.S. ratification of a Convention on Conduct of Fishing Operations in the North Atlantic which will establish instructions, standards for signals and markings, and operating procedures which would deal with the present conflicts of interest.

And most recently, plans have been made for a meeting tomorrow between Ambassador Donald L. McKernan and the Soviet fishing fleet commandant in the problem area. At this meeting, which will include representatives of three U.S. fishing companies most seriously involved—Joseph Gaziano, Robert Usen, and Watson Curtis—I have asked the Ambassador to request compensation from the Russians for losses of equipment and damage to gear and pots. I have also requested that he insist that foreign fleet vessels keep out of the area where U.S. lobster pots are located. I hope these discussions tomorrow will be fruitful.

However, Mr. Speaker, I have also been discussing these incidents, and the increase in harassment of vessels and destruction of fishing equipment, with my colleagues on the Merchant Marine and Fisheries Committee and in the Congress. I hope and trust that they will join me in a call for congressional hearings on this matter so that we might bring this problem and the problem of fisheries resources depletion before the Congress and the Nation. Perhaps this will reinforce my position and my call for unilateral U.S. action to establish a U.S. Coastal Conservation Zone.

CANCER RESEARCH

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 18, 1971

Mr. TAFT. Mr. President, cancer is undoubtedly the most feared disease in the country, and all of us look forward to the day when there is a cure. Thus, I am pleased that President Nixon has committed the Federal Government to a massive program of assistance to cancer research.

While there is no assurance that any one approach will produce a cure for cancer, I am not convinced that the creation of a separate National Cancer Authority is the proper one. With the creation of a new Federal bureau, we will have all the paperwork and redtape which are synonymous with new Government agencies. The additional cost of new staff, facilities, et cetera, would be diverted from research. Furthermore, I have serious reservations about removing the cancer research effort of the Federal Government from the National Cancer Institute, which is a component of the National Institutes of Health. Respected medical opinion supports the approach of the present programs as strengthened by President Nixon's recommendation for additional funding of $100 million and direct reporting to him, as opposed to one isolated from all other medical research.

I share the feeling of urgency in conquering cancer, but I am not certain that the establishment of a new, independent agency is the most efficient way to spend money for cancer research.

HAPPY 38TH BIRTHDAY TO TVA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. DUNCAN. Mr. Speaker, the week of May 18 has been set aside as Valley Mobilization Week in the Tennessee Valley area. This is a very important observance by the folks who live in the beautiful valley because of the common spirit that exists.

We are proud of the good life that the Tennessee Valley Authority has afforded us, and during this special week we are saying happy 38th birthday to the TVA.

When we try to describe what TVA has done and is doing, we say it is the finest example of the "interdependence of multiple-use development." While the TVA built dams and provided us with a tremendous supply of electric power, it landscaped the acres around the dams and powerplants and provided some fantastically beautiful resorts in which to roam, camp, and picnic. It enhanced all recreational opportunities, especially the water sports of fishing, swimming, skiing, and boating.

Not only has TVA given us electric power for our industries and homes and recreational opportunities for our leisure hours, but TVA has carried out some very successful research projects in flood control, in developing fertilizers, and in fighting pollution.

Thus, there has developed a great interdependence in the valley. Our economy has prospered, our environment has been enhanced, and our spirits lifted through the many projects of the TVA.

I have always felt great pride in the involvement of all the people of this seven-State region in the development of our valley. Civic groups have been drawn together; schoolchildren have visited the dams and related facilities to learn about the production of power; businessmen have been concerned with the potential of TVA facilities in supporting industrial development; and our citizens in general have been drawn closer together.

I urge persons who have the chance to visit TVA dams, steam plants, construction projects or perhaps the national fertilizer development center at Muscle Shoals, Ala., during the week of May 16–22. I am sure the public would be awed at seeing how the resources of the Tennessee Valley are developed and used to conserve our resources, improve our environment, and provide a freer spirit and a better living for all who inhabit this prosperous area which once lay dormant and undeveloped.

Through its 38 years of service, the TVA has fostered the themes of comprehensive resource development and full cooperation between Federal, State, and local agencies and institutions. It is most appropriate that we pay tribute to this successful development agency on its 38th anniversary.

HOUSTON BAPTIST COLLEGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. KEMP. Mr. Speaker, in Houston, Tex., within the last 15 years, Houston Baptist College, a quality institution of higher learning has been brought into being. This was done without the assistance of or obligations to tax moneys of any kind.

It was my good fortune to speak on this campus and to feel the dynamic attitude that is desperately needed in all quarters of the educational community at this time when so many are looking to the Federal Government to answer all educational problems.

Local initiative is still a vast unexplored resource for educational funding and Houston Baptist College is an example for America. I am sure my good friend and distinguished colleague from Texas, BILL ARCHER, is proud to have this institution in his district.

At this point I include a statement of historical development of the college and call it to the attention of all my colleagues—particularly those on the Education and Labor Committee on which I also serve:

HISTORICAL STATEMENT OF HOUSTON BAPTIST COLLEGE

The financial strength of the College has grown as land values have enhanced. A group of businessmen including Stewart Morris, Jake Kami, Rex Baker, and Howard Lee led in the purchase of 400 acres of raw land in 1956. While borrowing $870,000 from Rice University Endowment Fund to finance this initial purchase, within five years 200 acres were sold to sub-division home builders for enough to repay the Rice loan plus interest and repay over $1,000,000 borrowed from a local bank to put the streets and utilities in the sub-division development. At that time water-district bonds were available for these improvements, but these men declined to use them, believing that tax funds should not be used in sectarian undertakings. While the College has an indebtedness due to deficit financing in the early years, the debt has been substantially reduced within the last eighteen months through the sale of and long term lease-back agreement on fifty acres. Long term leases on eighty of the remaining 150 acres will retire the present indebtedness, leaving seventy acres for academic purposes, on which thirty million dollars in new facilities can be constructed. Presently, the College has a net worth of twenty-eight million dollars.

Beginning in 1962, academic leadership was provided by the first and present President, Dr. W. H. Hinton, Academic Vice President, Dr. H. B. Smith, and Financial Vice President, Dr. Troy Womack. Houston Baptist College received its accreditation from the Southern Association of Colleges and Schools in December of 1968 after having graduated only two classes with the baccalaureate degree. In providing a nursing education and teacher education curriculum within the framework of a broad-based general education concept, this young, thriving institution is fulfilling a need in one of our nation's greatest cities. The present enrollment of the College is 1086, and 365 students have graduated in four graduating classes with approximately 120 anticipated graduates in May.

According to many, massive federal funding is the only solution to the financial problems of higher education. However, there are some people in Houston, Texas, associated with Houston Baptist College, who apparently have been doing quite well, thank you, in bringing a first-class small college into being without tax support.

MAJOR REVISION OF THE CENSUS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. BROOMFIELD. Mr. Speaker, on Monday of this week I introduced a bill that would establish a mid-decade census, extend the period for taking the census an extra 2 months, and offer local units of Government increased opportunities for recounts. With hearings on census legislation scheduled for later this month, I feel this bill deserves the most careful consideration of my colleagues in the House of Representatives.

In retrospect, Mr. Speaker, I believe we must admit that all the complaints of inaccuracy in the 1970 census were grossly exaggerated. No doubt, there were a number of major errors in the counting and certain real flaws in the mailing technique, but in a sample of 200 million people these problems must surely be expected. In general, Mr. Speaker, I think it would be unfair to characterize the 1970 census as anything less than the most accurate in our Nation's history.

This is no consolation, of course, to the cities and towns which claim to have been undercounted. An error of 10,000 persons may, indeed, be only a small one in terms of our entire population, but to the particular city in which it occurred it represents a severe financial and political setback. One town in my district, for example, received a preliminary count 15 persons below the population required to qualify for a $40,000 a year return from the State on gas and weight taxes. Fortunately, this community was able to locate and correct the error, but others have been less successful in pinpointing the sources of discrepancies between census tallies and their own.

In fact, many of the purported instances of inaccuracy cannot be blamed on the 1970 count. During the 10 years after a decennial census, communities must continually revise and update their population statistics, estimating the amount of money they can expect from the State or Federal Governments and basing their future plans upon that estimate. Usually, the city takes the population determined by the decennial census, adds or subtracts persons on the basis of several criteria—gas bills, school enrollments, et cetera—and comes up with a new figure. These figures are, it is clear, subject to the accuracy of the original census count and the accuracy of the particular estimating techniques. All too often these variables prove untrustworthy. While the individual errors may seem minimal, over a 10-year period they can add up to a sizable discrepancy, which the city or town must eventually suffer for.

It should be obvious, Mr. Speaker, that we are faced here with two distinct problems: first, while the decennial census is generally accurate, the errors inevitably made with a sample as large as 200 million people can be devastating to the individual community; and second, the community itself finds it almost impossible to keep its population statistics accurate for the 10-year period between censuses.

The bill I have introduced this past week would deal with both these problems. It would provide our cities and towns with new opportunities to correct Census Bureau errors in individual cases, and it would decrease the instance of error in statistics compiled by the community itself.

My legislation moves the census date up from April 1 to February 1. The final reporting date will remain December 1, so that the effect of this provision will be to allow communities an extra 2 months in which to seek recounts. One city in my district could well have used this extra time: After community officials reported to the Census Bureau that its preliminary count was 6,500 persons over their own planning estimates they received a revised count 2,500 persons below their estimate. By the time this new tally arrived, it was too late to begin a recount.

The time restrictions imposed upon the 1970 census naturally discouraged efforts by local communities to establish Bureau miscalculations. I understand that this rechecking seriously damages the efficiency of the census, but I cannot imagine accuracy sacrificed for the sake of efficiency, when so much depends on that very accuracy.

The major problem with recounts, of course, has been the unwillingness of Census officials to accept figures compiled outside their supervision as possible proof of an error. Consequently, they see no reason to bother with a recount. My bill would resolve this difficulty by requiring the Census Bureau to conduct recounts upon demand. Should the new tally not reveal an error larger than 5 percent, the community would be forced to pay all expenses incurred by the Bureau. Otherwise, the Federal Government would absorb the costs of its own error.

It will be argued that this provision would only precipitate a flood of recount requests, but this is just not the case. A 5-percent error will not be easy to prove, and the community will think twice before plunging into a wager that could cost them tens of thousands of dollars.

The third key provision of my legislation would establish a mid-decade census. This is not a new idea, and I expect that its benefits are apparent. Briefly, it would give our cities and towns firmer and more frequent population counts on which to base their future planning estimates. Merely decreasing by 5 years the amount of time between censuses lowers by over 50 percent the possibility of miscalculation by the individual community. It would enable them to plan on the basis of statistics that are 2, 3, or 4 years old, not 7, 8, or 9. Moreover the, factors used in estimating annual population

growth—with their inevitable inaccuracies—would have to be applied half as often and, therefore, with half as great a possibility of error.

In a time when so much State and Federal aid depends on these population statistics, I think its only proper that we give our local units of government a reasonable opportunity to plot out their futures. A mid-decade census will give them that opportunity.

I realize that many of our citizens and an ever increasing number of my colleagues will regard a more frequent census as one more invasion of personal privacy. I share their concern for this, Mr. Speaker, and I have tried to strike a balance between the needs of our community governments and the cherished American right to privacy: under my bill the questions in the middecade census will be limited strictly to the seven basic categories asked of all citizens in a decennial census. Any further information will be solicited by the Census Bureau on a voluntary basis.

I, for one, have long felt that the research elements of the census—those questions beyond the basic seven—do not require the threat of legal penalty to be collected. These statistics are now drawn from a random sample of persons which could easily be enlarged in the future. Those from this larger sample who answer research questions voluntarily would constitute a new sample, from which accurate generalizations could easily be drawn. I realize that this process would be less efficient than our present system, but in the interests of personal privacy I believe we could survive the inconvenience and extra expense it would entail.

Of course, we will need proof of this theory before we even attempt to convert the research elements of the decennial census to a voluntary basis. That is why I have specified that the category limitations of my bill apply only to the middecade census. If it works properly here, then I see no reason why the entire census taking process should not be revised soon after.

This legislation, Mr. Speaker, seeks to balance a number of important purposes: our right to privacy, the duty of our communities to correct errors in the counting, and the need of those communities to develop accurate planning estimates. Under this legislation each of these purposes will be accomplished without endangering one or both of the others. I trust it will receive my colleagues most careful attention in the weeks ahead.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

I insert the name of one of the missing:

Capt. Charles David Austin, U.S. Air Force, [redacted] New Canaan, Conn. Single. The son of Mr. and Mrs. Charles D. Austin, New Canaan, Conn.; 1964 graduate of Colgate University. Officially listed as missing April 24, 1967. As of today, Captain Austin has been missing in action in Southeast Asia for 1,484 days.

A PLAN TO LEARN WHILE YOU DEFEND

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MEEDS. Mr. Speaker, one of the unsettling discoveries resulting from our national commitment to provide legal services for the poor and underprivileged was that law schools have not been training students to legally counsel and represent persons from the lower reaches of our economy.

In retrospect, it should not have been so surprising. I know from my own law school experience that little time is given to introducing students to the poor defendant's viewpoint. Classes are concentrated instead on the needs of those who can afford to hire an attorney.

Besides giving the poor their day in court, a revolutionary step in itself, the Office of Economic Opportunity's legal services program has helped instill a sense of professional responsibility in young attorneys.

I am sponsoring H.R. 6360, to give independent status to the Office of Economic Opportunity's legal services program, in hopes of both continuing legal services to the poor and giving an enhanced sense of professional responsibility to young attorneys.

As a spokesman for the Association of American Law Schools, which supports creation of an independent legal services program, phrased in its testimony recently:

> One of the best ways to develop this sense of responsibility is to expose these young men and women to the very real needs of the disadvantaged in our society, and let them, through their own experiences, see what truly adequate legal representation can do to improve conditions, and to improve the law, so as to better protect the rights and interests of the poor and disadvantaged. Until very recently, these groups commonly looked upon the law and lawyers as the enemy.

It was, therefore, pleasing to read of one of the steps that law schools themselves are taking in preparing future attorneys. The article by Fred M Hechinger in the New York Times reports that Antioch College in Ohio has agreed to join the Urban Law Institute in establishing a new kind of law school in Washington, D.C., dedicated to clinical legal education of a learn-while-you-defend orientation.

I am also pleased to share with my colleagues an editorial from the Washington Post discussing various suggestions on how to create an independent legal services corporation.

[From the New York Times, May 16, 1971]

LAW STUDENTS: A PLAN TO "LEARN WHILE YOU DEFEND"

(By Fred M. Hechinger)

Many of the young people who are applying to the nation's law schools in record numbers see the law as a tool to help the underprivileged and oppressed. At the same time, a growing faction in the legal profession is expressing doubts about the capacity of the law schools to respond to a demand for that kind of legal education.

Last week, a group of activist lawyer-educators and a small liberal arts college announced a plan aimed at reconciling the two views. Antioch College, in Ohio, has agreed to join the Urban Law Institute in the establishment in Washington of a new kind of law school, dedicated to "clinical legal education" of a learn-while-you-defend orientation.

FIRST SUCH VENTURE

Apart from its graduate school of education, this will be Antioch's first venture into professional education. The goal—depending on funding—is to admit the first class in the fall of 1972.

The plan is the offspring of an academic controversy. The Urban Law Institute, founded by Jean Camper Cahn, a young black alumna of Swarthmore and Yale Law School, had for the past three years been part of the National Law Center of George Washington University. It is funded by the Office of Economic Opportunity and staffed by about 20 lawyers who divide their time and efforts between offering legal services to the urban poor, and reforming the curriculum and teaching methods of traditional law education.

Earlier this year, Dean Robert Kramer of the university's law school, though reaffirming the institution's own concern with poverty and urban law, severed the relationship with the institute. "We never contemplated that the university would operate a large law firm and engage directly in the practice of law," the dean said. Although George Washington would be happy to cooperate with some of the institute's activities, it was "not willing . . . to take responsibility for a public interest law firm."

Supporters of the institute saw in this an academic institution's reluctance to enter into activist, i.e. controversial ventures. Ralph Nader, citing that "during World War II, Harvard Law School and other law schools scrapped their entire curriculums and turned themselves into complete instruments of the wartime effort," considered the current social crises serious enough to call for similar activism.

Mr. Nader and other supporters of drastic changes in legal education denounced the "concept of legal educational academitis" which, he charged, must shoulder part of the responsibility for "a pretentious legal system which puts the premium of access and success on wealth and power. . . ."

As the initial anger over the separation of the institute from the university died down, the supporters of the institute concluded that the traditional law schools might be more readily persuaded to consider new approaches, if a new kind of school could become the proving ground.

Washington seemed the best location for such a school. Antioch College, with a tradition in progressive education and community

involvement, seemed ideologically well suited. The college has always operated on a plan of alternating campus attendance and off-campus field work which regularly takes many of its students and faculty away from the home community.

MEDICAL MODEL

The concept of clinical legal education borrows heavily from medical training, with its combination of academic work and internship, involving the student with the patient or client. The law school that really is a teaching law firm is comparable to the teaching hospital.

The concept is not new. In 1933, Jerome Frank, a lawyer, researcher and author, wrote an article, entitled "Why Not a Clinical Lawyer-School?", in the University of Pennsylvania Law Review.

Recently, Chief Justice Warren Burger said: ". . . One could hardly conceive a system of legal education farther removed from the realities of life than the pure case method." He complained of lawyers licensed "without the slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate." He criticized the kind of preparation that avoids "the antiseptic odor of the jail house and the problem of the 'unmarried mother,' of dependent children and the aged and infirm—in short, escapism from the depressing atmosphere which surrounds 'the short and simple annals of the poor.' "

The clinical law school experiment plans to stress, in addition to traditional academic instruction, the following priorities:

Curriculum development, drawing on field work and research.

Lawyer training, with greater stress on the acquisition of basic skills through effective legal representation.

Client services, by providing lawyers as counsel to community groups, locally and nationally, as an aid to the poor, a laboratory in which to develop techniques and curriculum materials. The institute has already completed five textbooks to be published in the 1971-72 academic year.

Among the areas to be stressed in curriculum development are actions related to Federal programs, community organization, consumer problems, and housing for the poor. This will lead to the production of case studies that eventually could be used by other law schools, as supplementary reading in traditional courses, and by poverty lawyers in the field.

In addition, the school wants to work on the improvement of legal office management because its planners believe that "legal service programs have by and large suffered from weak administration, and virtually no lawyers coming out of law schools today know how to manage an office."

SOME RESERVATIONS

Mrs. Cahn and her husband Edgar may, in the view of many law school deans and faculty members, exaggerate the extent of the educational revolution they see necessary and feasible. They may also underestimate the changes that are already taking place in established schools.

But one eminent legal education, though questioning how much of the experiment will be applicable to the majority of law students, emphatically agreed that the clinical approach offers a valuable alternative for some.

Moreover, the history of educational reforms shows that, despite the Establishment's initial skepticism, change in traditional institutions has usually come in the wake of the iconoclasm of a few who decided to go it alone. Antioch College itself is among those historic examples.

The Cahns, writing in the May, 1970 "Yale Law Journal," said: "The law school in the future will have to begin working with colleges and high schools—and even grammar schools—to develop legal curricula . . . and to take responsibility for imparting to the populace at large not merely a rote legal knowledge, but a sensitivity to those fundamental values of due process, fair play, free speech, privacy and official accountability."

LEGAL AID TO THE POOR

Almost everybody, it seems, is for the theory of providing free legal aid to the poor as long as it remains just a theory. But when the question gets down as to who should get that aid, who should pay for it, and who should control the way the aid is utilized, the in-fighting gets rough. That's what the trouble between Governor Reagan and OEO's legal services division is all about and that's why there has been criticism from both liberals and conservatives of President Nixon's plan for a semi-public Legal Service Corporation.

The President's proposal comes somewhat late in the day, inasmuch as considerable work has already been done on the subject on Capitol Hill and elsewhere, resulting most notably in the Mondale-Steiger bill. It is welcome, nonetheless, because it is far better than many friends of legal services had feared it would be, although the President has still given too much to critics, like Governor Reagan, of the existing legal services programs.

The administration bill, like other bills on the Comsat and Amtrak to finance legal aid to the poor. This corporation would contract with groups of lawyers to provide that aid and would limit them in two areas—by barring aid in criminal cases and by barring these lawyers from lobbying for changes in the law. The corporation would be controlled by a board of directors appointed by the President with Senate confirmation and would be financed by congressional appropriations as well as, it is hoped, private contributions.

This plan is quite clearly a compromise between that proposed by Mondale-Steiger and the ideas of those who want to curtail sharply the scope of legal services programs. It bows to both of the key objections made by Governor Reagan in its bar against lobbying and in the restrictions it places on the class action suits that could be brought—suits in which lawyers attack a governmental program across the board and not just as it applies to one particular individual. The heart of these objections is that some people don't like to see lawyers paid by the government challenging the validity or the merits of programs operated by other governmental agencies. Governor Reagan, for instance, was horrified when an OEO subsidiary attacked the way his administration was handling the welfare program.

We think there is very little validity in either objection since the principle of legal aid to the poor ought to be that the government makes it possible for a man who can't afford a lawyer to get the same services as the man who can afford to hire one. That, as we read it, was the general thrust of the recommendation made to the President by a blue ribbon committee headed by Bernard G. Segal and its report provides a sound basis on which Congress can amend the President's plan to perfect it.

While the President's plan does not eliminate class action suits, as Governor Reagan and his friends would have preferred, it does limit them by placing responsibility for their initiation in the hands of the corporation instead of in the hands of lawyers in the field. That limitation might not be terribly unwise, although we have doubts about it, if it were clear that the corporation would be free from political considerations. But the President's method of making it free from politics is to place the appointing power totally in his own hands. Since the administration has already played politics with legal services, we can't help wonder if the combination of the class-action restrictions and the appointing power is not aimed at doing precisely what Governor Reagan wants done. We would have thought that the best way to keep the corporation out of politics was to provide a more broadly based appointing method involving, perhaps, such bodies as the Judicial Conference, some of the national legal organizations and some of those groups with great experience in dealing with problems of the poor.

Strangely enough, the administration's bill raises, perhaps inadvertently, one of most difficult problems in the legal services area—how to provide good assistance to people who make too much money to be considered poor and not enough to afford top-flight legal advice. The bill allows the corporation to assess fees in relation to income for those who can afford to pay something. On its surface, that provision sounds like a device to head off criticism from those who think the poor are given too much. But it does provide a mechanism for beginning to get at the problem of lower middle-income people, a problem the legal profession ought to solve itself.

SORRY STATE OF AFFAIRS IN THE POSTAL CORPORATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, as a followup to my remarks last week on the sorry state of affairs in the Postal Corporation, I would like to include in the RECORD today the comments of one of my constituents who puts his case against the recent postal rate increases as succinctly as possible:

8 cents is too much to charge a citizen for the privilege of putting in his 2 cents worth!

I would also include at this time the remarks of former Postmaster General Larry O'Brien and Senator RANDOLPH as they were reported in the press this weekend:

[From the Washington Star, May 16, 1971]

POSTAL POLITICS CONTINUING, O'BRIEN CHARGES

(By Philip Shandler)

Democratic National Chairman Lawrence F. O'Brien charged last night that "an aura of political partisanship continues to engulf the Postal Service" despite the reorganization ordered by Congress last year.

O'Brien, a former postmaster general and a strong backer of the corporate new setup, made his first intensive critique of it in a statement issued by the Democratic Committee. He advocated the new setup in 1967 when he headed the Post Office Department, and served later as co-chairman of a citizens committee that supported a Nixon administration drive for Congress' approval.

DISTURBING EVENTS

"My hopes," O'Brien said, "have been shaken by some disturbing events, some disquieting signs that could severely handicap the fledgling corporation even before it gets off the ground."

He said he was speaking not for the party but as a former postmaster general who originated "what was intended to be a movement to bring the postal service abreast of modern times and technology . . ."

The quasi-independent corporation he advocated is to become fully effective July 1. But events of the transition have left him "deeply worried," O'Brien said.

He cited policics, service, labor relations, plant construction, finances, congressional relations and the attitude of Postmaster General Winton M. Blount as areas of concern.

While the removal of politics from the Post Office was a stated objective of reorganization, O'Brien noted, Blount, "a political appointee of President Nixon," stayed on not only as postmaster general but also as chairman of the board.

PARTY CREDENTIALS CITED

Nixon appointed to the bipartisan board "Democrats whose identification with the party has been minimal," he asserted.

And politics remains a "significant factor" in personnel selection, "with emphasis on retired Republican business executives," he charged.

In service, O'Brien alleged a "trend . . . toward a drastic reduction." He cited the abandonment of same-day delivery, other delivery cuts, and the curbing of air mail transportation.

Restrictions on postal personnel contact with Congress have hampered labor relations, he asserted.

Facility construction has been "needlessly delayed or possibly dropped," O'Brien said, and a "staggering cost overrun" was incurred in construction of a bulk mail plant in New Jersey.

He blamed a projected postal deficit on "this administration's failure to secure from the Congress" a rate increase. And he charged Blount with "disdain" toward Congress and the public.

Blount, on his part, has attributed political influence of the past to congressional involvement in postal appointments, pay and construction—all of which the new corporation now has power over.

Cuts have been made only in services that are under-utilized, Blount has said. Building projects have been halted because they were ill-planned, he has said.

And cost overruns have been due to inflation, or misjudgment which will be eliminated under a new setup by which the Army Corps of Engineers will manage construction, Blount has said.

[From the Washington Post, May 16, 1971]

POLITICS LAID TO POSTAL SERVICE

(By George Lardner, Jr.)

Former Postmaster General Lawrence F. O'Brien charged yesterday that the new and supposedly businesslike U.S. Postal Service was already bogged down in partisan politics, financial ineptness and shabby service.

Speaking out on the eve of new postal rate increases, O'Brien accused Postmaster General Winton M. Blount, a Republican, of presiding over "one of the bleakest periods in the history of the U.S. Mail."

Under the postal reform bill passed by Congress last August, the Post Office is scheduled to complete its transition to a semi-independent corporation within the Executive Branch by July 1.

Despite that, O'Brien, who is Democratic national chairman, complained that Blount, "a political appointee of President Nixon," not only secured his own appointment as postmaster general of the new agency but took over as chairman of its predominantly Republican board of governors.

"In other words, Mr. Blount is reporting to himself," O'Brien said, "it seems to be commonplace for first-class mail to take six to seven days to travel between cities, and four to five days within metropolitan areas. The Postal Service's own studies indicate a serious deterioration in service—even when measured against its own standards of performance a year ago."

The complaints were contained in a long statement issued through the Democratic National Committee. O'Brien said, however, that he was speaking out not as Democratic national chairman, but as the author and first public advocate of the drive to take the Post Office out of politics and make it more efficient.

His assessments were shared on several points by Sen. Jennings Randolph (D-W. Va.), one of the senior members of the Senate Post Office Committee. Speaking in Boston before a printing industry group, Randolph coupled complaints of poor service with charges that postal officials were bypassing the independent and separate Rate Commission that Congress set up to fix postal rates.

NEW RATES IN EFFECT

The Postal Service put new rates into effect at midnight last night, requiring eight-cent stamps for first-class letters, 11 cents for air mail and six cents for postcards.

The increase was ordered on an interim basis since the Postal Rate Commission has yet to open hearings on the proposal. The stopgap approach was upheld Friday by a three-judge panel of the U.S. Circuit Court of Appeals here which struck down efforts by the American Newspaper Publishers Association and the Magazine Publishers Association to block the higher rates. Second-class mail rates will go up 20 to 30 per cent and third-class mail will go up 33 per cent.

Both O'Brien and Randolph assailed Blount and his aides for frustrating the five-member Rate Commission's attempts to investigate the Postal Service's accounting systems and observe postal processing methods.

". . . They have contended that the service provided by the Postal Service to its customers has nothing whatsoever to do with the rates charged for such service," Randolph declared. "If a private manufacturer or public utility attempted to make that kind of argument regarding the quality of its product, the public outcry would be devastating . . ."

Detailing his charges of partisan politics under Blount, O'Brien cited "continuing reports" that high level promotions at Postal Service headquarters still require clearance by Republican officials in the Service's Bureau of Operations and in Blount's office.

The former postmaster general also complained of Blount's dismissal of all regional directors holding "career appointments" from past Democratic administrations.

"Today," O'Brien charged, "the aura of political partisanship continues to engulf the Postal Service and make it virtually indistinguishable from its pre-August, 1970, status."

In terms of mail service, O'Brien was especially critical of "the apparent abandonment" of his old goal of eventually eliminating air mail as a separate category and moving all first-class mail as fast as possible. He said it seems to have been supplanted by "ordinary first-class service for air mail and second-class service for first-class mail—all at much higher rates."

Even so, O'Brien said, Blount "has come up with the most staggering postal deficit in history—projected to reach more than $2.2 billion on June 30."

A Postal Service spokesman said there would be no immediate comment.

JOBS FOR THE JOBLESS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. BOLAND. Mr. Speaker, I regret that we cannot salvage the original provisions of the Emergency Employment Act. Designed to throw open more than 150,000 new public service jobs during its first year of operation, the original bill would have been a frontal attack against unemployment. The substitute bill, timid and tepid by comparison, is anything but a straight forward approach to the problem. It would create what is archly termed a "transitional" public service employment program yielding many fewer jobs. The substitute, still further, would incorporate even this modest program within manpower training.

If I may speak bluntly, Mr. Speaker, the substitute is a travesty of the bold new legislation sought by a majority of the Education and Labor Committee. I need hardly point out here that I voted against the amended rule allowing consideration of the substitute today. But we must face the facts, no matter how grim they are, and realize that something is better than nothing. Since we have no opportunity to resurrect that original Emergency Employment Act, I will vote for the substitute.

No question exists about the pressing need for some kind of congressional action. Unemployment figures are steadily moving upward, reaching as high as 15 percent in regions with the most threadbare economies. The labor force in my own home district—largely within the Springfield-Holyoke standard labor market area—has been eroded by an alarming 8 percent. Recognizing this area's plight, the Labor Department has just made it eligible for Economic Development Administration redevelopment funds. This will help, Mr. Speaker, but it will not help enough.

What we need—and need urgently—is more jobs.

It is that simple, Mr. Speaker.

The original Emergency Employment Act would have answered that need, freeing nearly $3 billion over a period of 5 years for public service jobs. I want to emphasize as strongly as I can that these would not be trivial make-work jobs, the kind of jobs usually subsumed under the contemptuous heading "leaf raking." Instead, they would be meaningful jobs in community projects like hospital construction, say, or antipollution. The substitute bill's job provisions are tightly linked to manpower training—a cruel irony, Mr. Speaker, since the thousands of subprofessional workers turned out by manpower training programs can find work only in the public service field shunted aside in this bill.

I put in the RECORD at this point a New York Times editorial exploring this irony:

JOBS FOR THE JOBLESS

The economic recession has intensified a chronic problem for the less skilled people looking for work. Federally financed manpower provides them with training, but once they have finished their course, they find few jobs where they can make use of their new skills. This mismatch occurs because the subprofessional jobs for which they have been trained exist largely in the public service, but cities and counties are financially too strapped to hire them. Hospitals, museums, prisons, day care centers, parks and playgrounds have work that needs doing but cannot afford to hire people to do it.

The House next week will consider a bill designed to reduce this problem. Already ap-

proved in somewhat different form by the Senate, the bill would authorize $4,950,000,000 to be spent in the four years beginning July 1 for public service employment. Approximately 150,000 jobs would be created.

The program is keyed to the national economy. It would remain in effect as long as nationwide unemployment stayed 4.5 per cent or higher. However, the bill reserves $1 billion for slum neighborhoods where the unemployment rate stays high even when the rest of the economy is booming. Districts such as Watts in Los Angeles and Bedford-Stuyvesant would thus continue to get help until their jobless rate dropped to nearly the national norm.

The latest statistics on unemployment furnish the most powerful argument for this bill. Of the 150 standard labor markets, 52 now report substantial unemployment. That is the highest since May 1962, and contrasts with only 11 a year ago. Unemployment among blacks in the urban slums is again moving up sharply.

When there is useful public work that needs doing and millions of people are seeking work, it is only common sense for Government to bring the two together.

The last sentence, Mr. Speaker, neatly sums up my attitude.

I am sorry I am voting for a weak bill, instead of a strong one, but some kind of action is necessary today.

AMERICAN LABOR AND UNEMPLOYED RAP NIXON FUND FREEZE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the leadership of the American labor movement, speaking for the employed and unemployed American workers, recently adopted a resolution labeling the arbitrary and excessive impoundment of appropriated funds by the Office of Management and Budget a callous political device.

The AFL–CIO Executive Council charged that $12.8 billion is being withheld until such time as the release of these funds can assist in winning the 1972 elections.

Because of the interest of my colleagues and the American people in this most important subject I place in the RECORD herewith an article from the Washington Post concerning this action by American labor.

The article follows:

[From the Washington Post, May 12, 1971]

AFL–CIO RAPS NIXON ON FUND FREEZE

(By Frank C. Porter)

ATLANTA, MAY 11.—President Nixon's freeze of nearly $12.8 billion in federal funds already voted by the Congress is "a callous political device" designed to help win the 1972 election, the AFL–CIO charged here today.

Scorning the administration contention that the freeze is designed to curb inflation, the labor federation's Executive Council said the obvious intent is "to hold the funds until they can be doled out piecemeal to achieve the maximum economic impact at a time when the maximum political effect is desired."

In the meantime, the action "victimizes the American people and disrupts vital national programs," the council's statement charged.

The tone of council deliberations as it opened its spring meeting here generally reflected organized labor's increasing bitterness toward Mr. Nixon's stewardship. But AFL–CIO President George Meany reaffirmed federation support for Mr. Nixon's policies in Indochina, saying the President is making good his promise to wind down the war and arguing that setting a date for complete withdrawal would only telegraph American strategy to Hanoi.

Meany's remarks on the subject were softly stated and in response to questions by a reporter, in contrast to previous years when the council regularly voted specific and strong endorsements of the administration's posture in Southeast Asia.

Asked his opinion of the efforts of peace demonstrators to shut down the government in Washington last week, Meany said he thought they were "basically stupid." He said he didn't see how rolling boulders in front of cars, blocking traffic and slashing tires could aid their cause. And he added that he thought Washington police had "handled it quite well."

Warming to the subject, Meany commented: "I hope the motley crowd I saw running around—and you could smell them when you got close—aren't typical of the American people."

The council also offered an 11-point program for absorbing displaced defense workers and returning GIs into the civilian economy, noting that the unemployment rate for the latter now tops 10 per cent and exceeds 13 per cent for those in the 20–24 age group.

The program includes general full-employment policies in place of the administration's "engineered recession," a cabinet-level committee to coordinate reconversion programs, public service jobs, federal aid to high unemployment areas, accelerated public works programs, extended unemployment benefits, beefed-up GI bill training allowances and the like.

As to the funds freeze, the council issued a detailed list showing its dollar impact on more than 100 federal programs. The biggest were $5.9 billion for roads, $957 million for navy shipbuilding and conversion, $942 million for public housing, $672 million for airports, and $583 million for model cities.

"The shutoff of urban funds, community development funds, medical funds, agriculture funds, veterans funds, special milk funds and scores of other continuing funds betrays a firm determination to manipulate the federal treasury as a political tool in preparation for the 1972 election campaign," the council charged.

"This action is particularly ironic at a time when the administration is telling urban leaders and state officials that it seeks more federal funds for their needs."

DONATO R. RIZZOLO CELEBRATES 100TH BIRTHDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mr. RODINO. Mr. Speaker, the celebration of a 100th birthday is a special and uncommon event. For this reason I want to express my warm and sincere good wishes to my constituent, Donato Rizzolo, of Bloomfield, N.J. who was 100 years old on May 13.

His prescription for longevity—keep busy—which he continues to do. In fact he began to develop his artistic talent at the age of 89 and painting is still among his favorite hobbies.

I extend my every best wish to Mr. Rizzolo for an abundance of joy and satisfaction ahead.

GREATER SAFETY MEASURES NEEDED IN OUR NATIONAL PARKS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues the testimony submitted by Dr. James L. Hecht to the Subcommittee on Interior of the Appropriations Committee. His statement, because it involves a personal tragedy, is most moving. The efforts of Dr. James L. Hecht to obtain greater safety measures in our national parks must not only be commended but supported. His statement follows:

TESTIMONY BY DR. JAMES L. HECHT

I submit this testimony to ask that you take action so that visitors to our national parks are adequately protected.

In this testimony I shall present evidence that the National Park Service does not pay adequate attention to visitor protection; that safety programs and greatly reduce accidents; that if you vote more money for safety than the National Park Service has requested, that you can greatly reduce the all-too-frequent tragedies which occur in our national parks.

To give you a better understanding of the need for improved visitor protection, let me tell you what happened in Yellowstone National Park to our family last June 28. Having watched Old Faithful erupt, we followed others along a path leading to a boardwalk which circled a thermal pool. Suddenly engulfed in steam, our nine-year-old son, Andy, did not see that he had to make a turn. He tripped at the edge of the boardwalk and his momentum carried him across six feet of shallow water into the deep part of the pool. He swam several strokes, was scalded to death, and sank before our eyes.

Here are some of the many safety omissions by the Park Service which, for Andy, meant the difference between life and death.

(1) On two occasions we were not given a brochure which we should have received and which gave an indication that thermal pools could be dangerous—a very inadequate warning, but at least a warning.

(2) The boardwalk was misdesigned. The approach path should not have been perpendicular to the pool, and a later investigation showed that it was a common occurrence for steam to suddenly obscure visibility at the point where the accident occurred. Also, there was no guardrail.

(3) There was at least one sign in the area which said, "Please stay on the boardwalk." This sign gave no idea of the danger.

(4) A book which we had purchased, which is endorsed by the National Park Service, gives no warning of the danger posed by thermal pools even though there previously had been at least eight fatalities and many injuries.

While we are talking about omissions, let me say that after Andy was killed, despite two letters I wrote then Secretary Hickel about the danger, and despite the support of our safety plea by our Congressman, a safety officer did not even go to Yellowstone until after another boy fell into a thermal pool.

Safety in the national parks is not a problem only at Yellowstone. In 1969, 182 people were killed in national parks, almost five times more than ten years before. While part of this increase can be accounted for by increased visitations, fatalities per million visitors almost doubled. Moreover, for every person killed, twenty were seriously injured.

The type of omissions which caused Andy's death undoubtedly caused many of these accidents. Let me cite several other examples of Park Service indifference to safety.

(1) An article in the August 31, 1970 issue of the *Washington Daily News* (page 7) cites a retired Park Service official as stating that "warning signs are often not put up in dangerous areas because landscapers are afraid they would detract from the natural beauty." This statement referred to highway hazards as well as others.

(2) A letter from Gairdner B. Moment in the February 5, 1971 issue of *Science* states, "I have seen garbage fed to grizzlies every night under the eyes of unprotesting park rangers even though it was in flagrant violation of regulation." Yet, in a letter to Congressman Edward I. Koch concerning bear maulings in national parks, Theodor R. Swem, Assistant Director of the National Park Service, wrote: "Food, however, appears to be directly or indirectly associated with the majority of incidents. Therefore, one of our major efforts in bear management is directed toward improving . . . methods of garbage disposal" (see CONGRESSIONAL RECORD, vol. 115, pt. 16, p. 21824).

(3) The attitude of the Park Service toward visitor safety is demonstrated by the reply received by Congressman Richard D. McCarthy to a letter to the Director of the National Park Service requesting guardrails—around dangerous thermal pools. Edward A. Hummel, the Assistant Director for Operations, wrote that the 1916 act which established the National Park Service, "expresses the philosophy which does not allow us to recommend that a guardrail be constructed around the natural thermal features found in this wilderness area." Needless to say, in posters which list eleven "principles" by which the parks are operated, there is no mention of visitor safety.

There is a great deal of evidence that good safety programs are effective in reducing accidents. In 1929, 16 out of every 100,000 people died in accidents at work; by 1949 this number had been reduced to 10 and, another 20 years later, it was 7 and continuing to decrease. Even more striking is the record of those companies which push their safety programs versus those where it is a combination of lip service and adherence to unavoidable government requirements. For example, the accident rate among DuPont employees is only *one-tenth* that of the average of all chemical companies—and the rate among employees of chemical companies is only about one-half the average of all workers.

In some ways park safety is more closely related to safety experience with motor vehicles than industrial accidents. Indeed, many park accidents involve motor vehicles. Unfortunately, automotive safety programs leave much to be desired. One important exception is the program developed in Connecticut during the administration of Abraham Ribicoff. The result: in 1969, almost 10 years after Ribicoff left the Governor's office, Connecticut continued to have the lowest rate of motor vehicle deaths in the nation—14 per 100,000 people, compared with a national average of 28. Traffic deaths per 100,000,000 vehicle miles were 2.6 for Connecticut, compared with 5.3 for the nation. Only three other states were less than 4.0.

The impact that an effective safety program can have on recreational accidents is demonstrated by what happened when Michigan, in 1963, revised camp regulations. Whereas between 1944 and 1955 there was an average of two to four drownings per year among camp children, and in 1959 there were six drownings, between 1963 and 1969 there was only one.

Here is what you can do:

(1) At the present time there is only one—I repeat, only one—safety officer for 278 national parks. The Park Service's budget for 1972 calls for six additional officers and another clerk. I believe there should be at least eight additional safety officers. For example, there should be an Assistant Chief Safety Officer (not requested by the Park Service) to provide better coordination of activities and better training programs. Consequently, in addition to appropriating the increase of $121,500 requested, I urge that you add $40,000 for these two additional positions.

(2) Every national park should have a staff member who has received at least two or three weeks of safety training, and who attends at least one safety conference a year. This would cost about $100,000 for the first year, and about $40,000 per year thereafter. I urge that you appropriate money for this purpose even though it has not been requested by the Park Service.

(3) A study of how safety in the parks can be improved should be made by a team of unbiased outside consultants. This would be a one-time expense of $125,000. I urge that you appropriate money for this purpose even though it has not been requested.

If you give the Park Service more than the additional money for safety that they have requested, you will accomplish two purposes. First, unless you do so, there will not be enough money for an adequate program. However, what would be even more important is that you would tell the Park Service that accidents can be cut down if there is a well-run safety program, and that the American people want those who visit national parks to be adequately protected. Millions of Americans who visit the parks each year mistakenly believe that they are protected.

I hope this testimony will prevent other families from experiencing the terrible void, the sorrow and the shattered dreams which are ours.

U.S. HYDROPOWER FOR PATHET LAO—WHY NOT FOR NEW ENGLAND?

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. HATHAWAY. Mr. Speaker, correspondent D. E. Ronk reported from Laos recently that the $28 million Nam Ngum dam and hydroelectric project, paid for in part by the U.S. Government, may benefit the Pathet Lao Communists as much as any of our Asian allies. Ronk's report was carried in the March 17 Washington Post and appears below.

A pertinent part of the report quotes "a longtime British resident of Laos," who maintains:

Most everyone but the right people are getting something from Nam Ngum, and not in the way it was intended.

The Pathet Lao receives a propaganda windfall, the Japanese builders a long-range alteration project, the generals a land grab, and Thais a dam.

For Laos' peasantry who gave everthing, there is nothing in return—only much less than they had. The Pathet Lao is waiting.

The purpose of my statement today is to question neither the lack of foresight on the part of this Government and the other nations which played a part in the project's planning, nor the possible misapplication of the congressional oversight function in the approval of funding for the enterprise. The questions should be asked and must be answered, but they are part of a picture much broader than the one to which these remarks are directed.

Rather my purpose is to ask my colleagues why, in the name of commonsense, should the United States choose to involve itself and the tax dollars of its citizens in a project whose benefits will be shared indiscriminately by allies and enemies, the deserving and the undeserving alike, while at the same time refusing to grant the assured benefits of an identical project to its own citizens. Are the benefits we direct to our friends abroad not good enough for our own people? Are we to wonder at the sincerity of our foreign aid programs?

I think not. Yet we are faced with the evidence that while the United States has endorsed the concept of hydroelectric power for the people of Laos and Thailand, and that it has apparently done so on the basis of a shaky foundation as regards the projected benefits of the project, it has been slow to endorse the same concept for the people of New England, even though, in the instance of the proposed New England project, varied and sizable benefits have been guaranteed.

Soon, this body will have an opportunity to correct this oversight. When the public works appropriations bill for fiscal 1972 funding comes to the House floor, the issue of approving some $800,000 for the continued preconstruction planning of the Dickey-Lincoln School hydroelectric power project will be considered.

Below, in addition to Mr. Ronk's account of the construction of the Nam Ngum dam, appears a description of the Dickey project, its justification, and the projected benefits which will result from its completion. I ask that my colleagues review this description, and that they ask themselves whether we should accord to the people, businesses, and industries of New England the same advantages we have endeavored, to shower on the people of Indochina. The job can be done right and I propose that this Congress provide the means for doing it right—right here in the United States.

The article follows:

NEW DAM IN LAOS MAY BENEFIT ENEMY

(By D. E. Ronk)

NAM NGUM, LAOS.—The massive Nam Ngum dam and hydroelectric project is within a few months of completion, but there are predictions that it may benefit the Pathet Lao Communists as much as anyone.

It is already clear that the hard-pressed Laotian peasantry in the area will receive no direct benefit.

Electricity generated here will go to the capital of Vientiane and Thailand. There is no provision for making the dam's reservoir water available for irrigation. In fact, the lake created by the dam is likely to be a smelly cesspool for several years, the project manager for the dam's Japanese consulting engineering firm said, because of faulty Laotian conservation measures.

From summit to base, the dam is 707 feet, nine feet shorter than Hoover Dam in the United States. It is 1,541 feet from wing to wing.

The $28 million cost of the dam was provided by nine Western nations, including Japan and the United States. Thailand contributed cement on credit against future delivery of electricity.

Pylons and wires to carry the power south already stand on the vast, arid Vientiane Plain.

Peasants behind the dam and on the frontage of the future lake have already lost their land and it is reliably reported Vientiane generals are still bickering over distribution among themselves.

"You don't explain long-term development problems to peasants," said a long-time British resident of Laos, firmly pro-peasant and anti-Pathet Lao. "The Pathet Lao will gain from the obvious omissions of the dam. All they have to do is point at it."

Nam Ngum is, according to official information at the site, "one of the hydropower schemes under the Mekong River Comprehensive Development Program," usually called the Mekong Committee.

Long-range development of the Mekong basin is the goal of the committee. Thailand and South Vietnam have received hydroelectric projects under the plan already and others are being built in Laos and Cambodia.

The Nam Ngum project site at the division between the southern edge of Laos' mountains and the northern edge of the Vientiane Plain. To the north is the source of water; to the south an absolute need for water.

Nam Ngum is to produce power for the capital area, 50 miles south, and for Thailand's underdeveloped and politically volatile northern provinces. It will provide nothing locally.

Though under populated in comparison to most areas of Asia, the Vietiane Plain is the most heavily populated section of Laos.

With water, the land could support many more much better, and the local peasants realize this.

Speculation and controversy over the dam's construction and use began with the feasibility studies nearly a decade ago and continue today.

"Most everyone but the right people are getting something from Nam Ngum, and not the way it was intended," the Britisher said.

"The Pathet Lao receives a propaganda windfall, the Japanese builders a long-range alteration project, the generals a land grab and the Thais a dam.

"For Laos' peasantry who gave everything, there is nothing in return—only much less than they had. The Pathet Lao is waiting."

POWER IN NOVEMBER

Soon Japanese technicians will seal off a tunnel diverting river water around the dam and 230 square miles of reservoir will fill. In November, electricity is scheduled to flow from the first generator.

According to Teruro Yoshimatsu, project manager and engineer for Nippon Koei, the dam's consulting engineers, there are no funds to electrify the local area nor the route along the line.

10-YEAR PROJECT

Yoshimatsu has been with the project since its beginning. "In November I return to Japan to write the final report," he says. "Ten years altogether . . . I don't know what will happen here. Our work is to build; the rest is for the Lao government."

Nonelectrification of the towns bounding the dam is seen by some as a gross miscalculation. Yoshimatsu notes that there is no provision for irrigation water from the reservoir though there are plans, but no funds, for an irrigation dam on the Nam Lik river, a few miles away.

There are also fears that the peasants may lose use of the Nam Ngum River itself for a few years.

Vientiane was warned six years ago to clear the dense vegetation in the reservoir bed, the Britisher said. "Nothing has been done. Now it is too late."

BEFOULED WATER

Within weeks of the tunnel's closing, the submerged vegetation will begin decaying and befoul the water. At best it will be a cesspool for at least three years, according to Yoshimatsu.

The pollution should not interfere with electricity production, but "will smell very bad," he said, and the Nam Ngum will carry the stench south to the Mekong with only partial dilution enroute.

Plans by Vientiane entrepreneurs to use the reservoir for recreation will be delayed.

More serious is the possible effect, unknown at this time, on the Nam Ngum's fish population, both from the pollution and the dam's barrier to spawning runs.

The river is noted for a variety of good fish. Much of the population along its course is dependent on the river for a cash crop of fish and family consumption.

"PRICE OF PROGRESS"

Interference with fish population will be, according to an American development specialist, "the price of progress."

For those persons relocated from behind the dam, refugess brought from the Plain of Jars last year and those who came looking for work at the site, an economic squeeze is already under way.

"The Pathet Lao were always strong in that area, particularly behind the dam," the British observer said. "They're having a field day of recruitment now."

THE PROPOSED DICKEY-LINCOLN HYDRO PROJECT

Location and description: Dickey Dam will be located on the Upper Saint John River near the Town of Dickey, Aroostook County, Maine immediately above its confluence with the Allegash River. The Lincoln School Dam will be located on the Saint John River 11 miles downstream from Dickey.

Authorization: 1965 Flood Control Act.

Benefit to cost ratio: 1.9 to 1.

Estimated cost: $248,000,000.

Justification: The Dickey-Lincoln School Project is an integral part of the comprehensive development and conservation of the water and power resources of the Saint John River Basin. Electric power will constitute the major benefit from the project and the project is fully reimbursable including interest. On-site annual power generation of 1.2 billion kilowatt-hours will provide low cost power for the State of Maine and for New England. Additional power benefits will be realized at downstream Canadian power plants. Flood control storage provided will eliminate flood damage below the site. Recreation benefits will result from the reservoirs created behind the dams. The advent of low-cost power and flood protection would contribute significantly to the advancement and future development of the economic climate of the State of Maine and New England. The Dickey-Lincoln School Project is located in the part of Aroostook County which is classified as an Economic Development Area. Numerous employment opportunities would arise and associated wages related to project construction and future operation and maintenance would result in substantial relief to the economically depressed area.

Furthermore, the recent power shortage in New England and the increased cost of fossil fuels for power generation, coal, oil and nuclear, makes the Dickey-Lincoln School Project an even greater necessity now than when it was first authorized.

Breakdown of annual benefits

Power	$22,617,000
Flood Control	43,000
Area Redevelopment	570,000
Recreation	1,250,000
Total	$24,480,000

Pollution aspects: None. Hydro-electric power is the only non-polluting source of electric energy in existence to date.

Consumer savings: Estimated 25% annually on electric bills.

UNITED STATES MUST PURSUE HUMANITARIAN EFFORTS TO ASSIST JEWS LIVING IN THE SOVIET UNION

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. STEELE. Mr. Speaker, if the Soviet Union persists in its persecution and threatened execution of defenseless Soviet Jews, it is incumbent upon the United States to use all appropriate diplomatic, humanitarian, and moral channels to prevent this bloodbath.

We, the Congress, as one of the leading legislative bodies of the free peoples of the world, must continue to pursue every effort for the release of almost 3.5 million Soviet Jews—trapped in this hostile Communist world and facing the spector of mass persecution and public trials on trumped up treason charges.

Therefore, on December 30, 1970, I cosponsored a resolution expressing the sense of the Congress that the United States do everything in its power to encourage the release of Jews living in virtual captivity in the Soviet Union. Another measure, which I cosponsored on March 18, 1971, is specifically designed to challenge the Soviet Union into freeing these people and provides 30,000 special visas for Soviet Jews who wish to come to the United States.

I include the following:

H.R. 6385

A bill for the relief of Soviet Jews

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Soviet Jews Relief Act of 1971".

SEC. 2. Notwithstanding the provisions of any other law, there are hereby authorized to be issued thirty thousand special immigrant visas to aliens specified in section 3 of this Act seeking to enter the United States as immigrants. The spouse and children of any such alien, if accompanying or following to join him, may be issued special immigrant visas notwithstanding such numerical limitation.

SEC. 3. Visas authorized to be issued under the second section of this Act shall be issued only to residents of the Union of Soviet Socialist Republics who are listed on their Soviet internal passport as citizenship Soviet, nationality Jewish, and who are seeking admission to the United States to avoid religious persecution, whether such persecution is evidenced by overt acts or by laws or governmental regulations that discriminate against such alien, or any group to which he belongs, because of his religious faith.

SEC. 4. Visas authorized to be issued under this Act may be issued by consular officers in accordance with the proviisons of section 221 of the Immigration and Nationality Act: *Provided,* That each such alien is found to be eligible to be issued an immigrant visa and to be admitted to the United States under the provisions of the Immigration and Nationality Act: *Provided further,* That a visa is not immediately available to such alien under the Immigration and Nationality Act at the time of his application for a visa.

SEC. 5. Aliens receiving visas under the first section of this Act shall be exempt from paying the fees prescribed in paragraphs (1) and (2) of section 281 of the Immigration and Nationality Act.

SEC. 6. The definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act.

If the latest shocking trials are permitted to continue without the adamant censure of not only the United States but all the sane nations in the Brotherhood of man, it could lead to total genocide of all Jews in the hostile Soviet Union.

For the lives of 3.5 million Jews are at stake in the despicable trial of even one Soviet Jew on irresponsible charges.

We cannot turn our backs on flagrant suppression of self identity or attempts at emigration. We must, instead, exert ourselves to open the doors to freedom for the victims of terror.

AN EDITORIAL OF APPRECIATION TO FARMERS AND RANCHERS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. SEBELIUS. Mr. Speaker, these are trying times for the farmer in his efforts to produce food for our citizens. We all need to be aware of his plight and give him praise as he struggles to feed our country while trying to preserve his own way of life.

I think there is evidence the farmer's voice is being heard in Washington. Several weeks ago, the second farm forum in the House of Representatives was held, sponsored by my colleagues, Mr. MELCHER of Montana, Mr. ZWACH of Minnesota and Mr. SMITH of Iowa. President Nixon proclaimed a salute to agriculture during this same time period.

In conjunction with this, radio station KSAL in Salina, Kans., took time to air a fine editorial of appreciation to farmers and ranchers for the job they are doing.

Mr. Speaker, this editorial is well worth repeating and I would like to share it with my colleagues:

APPRECIATION TO FARMERS AND RANCHERS

This Friday, May 7th, has been proclaimed as a "salute to Agriculture" by President Nixon. We at KSAL would be remiss in our duties if we did not pause for a moment to say "Thank You" to all the farmers and ranchers in the great mid-west. Many of us take Agriculture for granted, yet when business conditions are slow we can usually check the farm scene and see why.

Today, Agriculture in the Mid-West is big . . . especially Kansas Agriculture. The Agriculture beef business in Kansas alone dwarfs all other industry in the state. Kansas now ranks third in the nation in beef production and quite soon could be number two. Kansas is noted for its great ability to produce wheat, and has often been labeled the "breadbasket" of the nation. Recently, at the Fort Hays Roundup, it was pointed out that beef cattle and wheat do "go-together" with each other. So . . . watch out Number One Texas! Kansas could soon be the biggest beef producer! Mrs. Housewife, don't take the Kansas pork producer for granted, because he has been subsidizing you for the past year, selling pork for less than he can produce it. President Nixon recently said that American Agriculture is one of the few industries that has been able to increase production! Most industry today is showing a decline in production.

We need to salute, along with the Agriculture industry, Agriculture Youth Groups such as the Future Farmers of America . . . the Four-H Clubs and all of their fine agricultural programs.

So in this "Salute to Agriculture" . . . let's do one thing above all . . . don't take the Farmer-Rancher . . . and Agri-business for granted . . . let's treat Agriculture with all the respect and admiration that it deserves. We think it's an all important salute . . . Agriculture Day . . . May 7th, 1971.

EDWARDS CALLS HILLENBRAND "JUNTA TRAVELING SALESMAN"

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. EDWARDS of California. Mr. Speaker, apparently undeterred by the worldwide shock which greeted Commerce Secretary Stans' paeans to the "security and stability" offered by the Greek colonels to business, the Nixon administration has now assigned Assistant Secretary of State Martin Hillenbrand's statements to the Council of Europe on Friday represent a new low in American policy toward the junta.

To be sure, Mr. Hillenbrand expresses the usual ritual "disappointment" at the slow progress toward the restoration of democracy—a restoration which the State Department has for 4 years been picturing as just around the corner. But to counterbalance this, he asserts that the junta has "widespread popular support"—which must come as a revelation to the colonels, among others. As Helen Vlachos has pointed out, the people of Athens vote every day when they buy their newspapers. Ta Nea, which shows its distaste for the junta more overtly than any other paper, leads with a daily circulation of 150,000. In contrast the three papers fully identified with the junta—Eleftheros Kosmos, Estia, and Nea Politeia—bring up the rear with a combined circulation of about a tenth as many readers. Every political leader of consequence continues to shun the junta's proffered embraces. The colonels know well how little support they have; that is why they do not dare to hold even rigged elections. But they obviously have the full support of the only electorate that is of consequence to them—the Nixon administration.

One can imagine the derision with which members of the Council of Europe listen to Mr. Hillenbrand's assertion that torture in Greece is "not extensive"; the extent of torture is documented in the four-volume report of the Council's own Human Rights Commission. Even within the past week the press has carried information on the savage tortures inflicted by the junta's police on Christos Sartzetakis, the original of the courageous investigating magestrate in the motion picture "Z."

We are sure that Mr. Hillenbrand will find no market for this sort of hogwash among the members of the Council of Europe; we trust he will not find a better one here.

A GOLD MINE OF HISTORY

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. RUTH. Mr. Speaker, the first piece of gold to be found in the United States was reported to have been discovered in a creek in Cabarrus County, N.C. This also was the site for the Nation's first gold mine.

This important event is now going to be memoralized by the State of North Carolina. The State recently purchased the Reed Gold Mine property for development as a State historic site.

The development of these plans and an interesting report on the discovery of the first gold in America has been told by the Daily Independent of Kannapolis, N.C. I am pleased to share this story with my colleagues in the House.

GOLD MINE RECOGNIZED AS HISTORIC SITE

(By Everette Gilliam)

After 171 years, Conrad Reed's gold discovery in Cabarrus County is being recognized as an important event in North Carolina's history.

Gov. Robert Scott and the Council of State voted last week to allocate $197,000 for the purchase of the Reed Gold Mine property and initiate plans for developing it as a state historic site. Rep. Dwight Quinn worked several years to bring this about.

Development plans will not be completed before 1973, but eventually the Reed Gold Mine will be listed on highway maps and in the travel literature the state distributes throughout the nation. Attracting visitors will be a mining museum, and it might be that guests will be permitted to enter some of the shafts or tunnels.

For more than 75 years, the property has enjoyed a quiet rest, with only Sunday afternoon "gold diggers" walking through the woods in hopes of finding small specks of gold.

Though no moving equipment has touched the property since 1894, shafts, more than 100 feet deep, still lead to a network of tunnels far below the ground.

Foundations of old structures and remains of some of the mining equipment used to extract gold from the ground and Meadow Creek still are contained on the property.

William White, director of the Reed research for the Department of Archives and History, said that up to now research and acquisition of the property have been the goals.

The Council of State approved the disbursement of $182,000 from the state's contingency and emergency fund for the purchase of 760 acres from the A. L. Kelly heirs and $15,000 for the initial plans for development. The Kelly heirs have agreed to donate 70 more acres to the state.

White said the "preservation of the site was preservation of North Carolina's history."

Reed's mine and its importance to the state and nation will have a visitor's center depicting all mining operations conducted in North Carolina, White said.

One idea proposed by the department is the opening of a mine shaft so visitors may

observe how early mining operations were conducted. This will depend on whether engineers believe the shafts are safe for visitors.

Dr. H. G. Jones, director of the Department of Archives and History and who was personally involved in the study, said that the Cabarrus site was "one of the few unspoiled areas in the state" and the "most important historic place that has become available for public acquisition in many years."

MINE HISTORY

The first piece of gold to be found in the United States was located in Cabarrus County's Meadow Creek in the spring of 1799 by 12-year-old Conrad Reed, son of John and Sarah Reed.

Conrad made the discovery on Sunday morning while fishing in the creek with a bow and arrow. With him were a sister and a younger brother. Their parents were at church. While young Conrad was seeking game in the creek's water, he spotted a "golden" rock embedded in the creek.

Wading into the stream, Conrad picked up the rock and took it home.

When John and Sarah arrived home, young Conrad immediately showed the rock to his father.

History relates that John Reed took the rock to a silversmith in Concord, William Atkinson, who reportedly did not know what type of metal it was—gold never entered Atkinson's mind at the time.

Reed took the rock back home and for three years the rock served only one purpose—to keep the door opened or closed at the Reed home.

In 1802, John Reed went to the market in Fayetteville, and took along the 17-pound "golden" rock.

According to Col. George Barnhardt's account published in 1848, that when the rock was shown to a jeweler at Fayetteville, the jeweler immediately told him it was gold and requested Mr. Reed to leave the metal with him and he would flux it."

Reed left the rock and when he returned later the jeweler presented a large bar of gold "six to eight inches long."

The jeweler asked Reed what he would take for the gold and Reed asked for an huge price of $3.50. The jeweler gave Reed his money.

When Reed returned from his Fayetteville trip he began a search along the creek. He began picking up small nuggets of gold. In 1803, he found a nugget weighing 28 pounds

Shortly thereafter, Reed organized a mining company. Those hired by Reed for reclaiming gold from his property were Frederick Kisor, James Love and Martin Phifer.

Fifteen gold nuggets, weighing from one to 28 pounds, were found on Reed's property during the early stages of mining.

The news of the 28-pound nugget spread like wild fire across North Carolina and many of the state's citizens turned in their plows for picks and shovels.

Production from the Reed Mine and neighboring mines became so heavy that in 1831 Christopher Bechtler, a goldsmith, opened a private mint in Rutherfordton. As prospecting spread, the United States opened a mint at Charlotte in 1838, and printed accounts indicate a turbulent condition—later to be enlarged on the Pacific Coast.

In 1824, "Gold Country" consisted of 1,000 square miles of the North Carolina Piedmont.

Cabarrus gold was described as of "almost unequalled purity—23 carats, which is to say 23 of 24 parts of pure gold, the rest silver and copper."

The 28-pound nugget discovered in 1803 was marketed at $8,000.

Up to 1831, the Reed property was strip mined. After gold was discovered, underground shafts were dug and gold was extracted.

The Mining Magazine in 1853 reported that $10 million worth in gold had been withdrawn from Reed's property.

History showed that the last sizable nugget was removed on April 11, 1896 and weighed 11 pounds. The last mining on the property was in 1934 by a group that found a few small nuggets.

Bruce Roberts, Charlotte photographer and writer who is writing a book on gold mining in North Carolina, said that 4,000 people worked the Reed mines and that all the gold used in U.S. coinage during the first 20 years of the 19th Century came from the mines.

SALUTE TO A CONSTITUENT

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. KAZEN. Mr. Speaker, a man can have a full life in south Texas. If he has cattle and horses enough to need a crew of 50 cowboys, some rich farmland, and a bank in his hometown, it might seem that he would have time for little more. But "Pete" Lewis has more. He has had 46 years in the Army, Navy, and Air Force, and has recently begun a 4-year active duty tour as chief of the Air Force Reserve.

His nomination by President Nixon bore his formal name and rank: Maj. Gen. Homer I. Lewis. The Officer, publication of the Reserve Officers Association, reviewed his career in its May issue. I am pleased to call my colleagues' attention to the record of a man properly called "a modern frontiersman," and I am proud that he is a constituent of mine in the 23d Congressional District of Texas.

The Officer report follows:

Maj. Gen. Homer I. (Pete) Lewis, has been introduced as the best educated officer in the United States military forces, and his champions have a point. Peter entered military school at six years of age, moved with distinction in cadet uniform throughout his entire pre-college career, and for 46 years now has worn a succession of uniforms, gaining a well-rounded background, serving in succession in the Navy, Army and Air Force, to which he has given his best for the past 23 years.

His confirmation as the Chief of Air Force Reserve launches him on a new four-year term of full time military duty which will round out a half century of a spectacular career.

MILITARY SCHOOL BACKGROUND

Young Pete's introduction to the military life came at Kyle Military School at Irvington-on-the-Hudson, later attending Valley Forge Military Academy at Wayne, Penna., and Allen Military Academy at Bryan, Tex. He made a name for himself at the prestigious Culver Military Academy in Indiana—one of the four preparatory schools boasting a senior ROTC—where he was both the Regimental Commander and the Class President. Completing his ROTC work in summer training at Ft. Knox, Ky. in July 1938, he received a certificate as Second Lieutenant, Infantry; being only 19 at the time, he had to wait two more years for formal commission. Meanwhile, he successfully competed for appointment to the U.S. Naval Academy, which he entered the same month, making it to the top again as Class President and Plebe Battalion Commander.

Lewis resigned from the Naval Academy that summer and headed for Europe, where he traveled around, noting the assembling and training of the European armies and air forces. He recalls that it was a very exciting summer and while he was aware that the war clouds were gathering, it did not make much of an impression on him until just before he left to come home. At the door of the Piccadilly in London a uniformed British doorman asked, "You Yanks are going to come back and help us again, aren't you?" This was in August of 1939, a few days before Germany's Blitz invasion of Poland, and the subpacks were roaming the Atlantic. Pete was enroute home aboard the Britannic when word was received that the Athenia had been torpedoed and sunk. Safely back in the U.S. he entered the University of Texas, and two years later, in July 1941, he was called to extended active duty at age 21.

ARMY AIR CORPS ASSIGNMENT

It was only natural that this swashbuckling, adventuresome and patriotic young man should be assigned to the fledgling U.S. Army Air Corps, and that because of his near lifetime military training, he would be used in training and command positions during the period when the United States was whipping into military shape an army of several million reluctant Americans.

Pete served in succession in the Gulf Coast Flying Training Command, in the original cadre that activated Foster Field in Victoria, as Commander of the Crash Boat Detachment, Port O'Connor; he helped start the glider training program, serving as Commandant of students of the 23rd Glider Training Detachment, Spencer, Iowa, which later transferred to Hamilton, Tex. Selected for the college training program, he was assigned as Commander of the 93rd College Training Detachment at Spearfish, S.D.

EUROPEAN THEATER SERVICE

In 1944 he was made Commandant of Cadets at Douglas Army Air Field, Ariz., a twin-engine advance school for Chinese and American officers and cadets, the largest such school in the Air Corps. Six months later he volunteered for aerial gunnery training, and wound up at the end of the year in the European Theater serving as group gunnery officer of the 486th Bomb Group, Third Air Division, Eighth Air Force, at Sudbury. He participated as gunnery officer in the air attacks on the Continent which reduced the German Army's ability to age war and hastened the successful Allied campaign across France and Germany until the war ended in May 1945.

He was awarded the Air Medal for meritorious service over Germany and the ETO Ribbon, with battle star, returning to the United States via Iceland and Labrador to Drew Field, Fla., and he subsequently was relieved from active duty at Ft. Sam Houston, Tex. in January 1946, in the rank of Major.

BACK TO THE FARM

Homer Lewis went back to the farm that January, and in 1947 settled at Eagle Pass, establishing the diggings in Mexico across the Rio Grande, which have made him one of the fabulous frontier personalities in ROA. At the same time, he continued his active military service in the Reserves, wound up as Director of Personnel for the 433rd Troop Carrier Wing, with headquarters in the San Antonio complex—Brooks and Kelley, moving up to Lieutenant Colonel in 1955, Colonel in 1961, and Brigadier General in 1968.

A dedicated participant in the Reserves, Pete Lewis believes just as strongly that ROA is important to the Reserves as he believes that the Reserves are important to national security. To his civilian responsibility as a

rancher, farmer and business man, as well as Reservist, he added the role of ROA leader, serving as Chapter, and Department President, before seeking and gaining the National Vice Presidency and then the post of National President in 1968–69. During this time he was tapped for a higher Reserve billet, as Reserve Mobilization Assistant to the Commander, Headquarters Command, U.S. Air Force, with worldwide responsibilities, in which post he was promoted to Major General.

It is coincidence that the first Chief of Air Force Reserve under the ROA-sponsored Reserve Vitalization Act was from San Antonio, and that his successor would be from the same region of the Southwest. But, when Maj. Gen. Tom Marchbanks was retired on February 1, after suffering a heart attack, Major General Lewis was assumed to be a prime candidate for this key Air Force post.

NOMINATED BY PRESIDENT

President Nixon sent his name to the Senate on March 8 as the nominee for Chief, United States Air Force Reserve, and his assumption of duties needed only the routine confirmation of the Senate which was in due course given.

Pete Lewis looks and acts like a native born Texan, hardened to his ranch life along the Rio Grande in both Mexico and Southwest Texas. The fact is he is a native North Carolinian, having been born in the Western North Carolina mountain country at Asheville, on February 1, 1919, and spending his early years on the farm. While never a military pilot, he nevertheless is a skilled flyer, traveling in his aircraft on most of the trips he takes to ROA conferences and Air Force Reserve duty, and making a once a month flight to Mexico City on business matters and to visit his mother, who has real estate interests in the area.

HOME AT EAGLE PASS

On December 14, 1940, Pete Lewis and Dorothy Lehrer were married at Garwood, Tex., and have lived most of their married life in his adobe ranch house at Eagle Pass, where he oversees an operation which includes a bank, as well as the farm and herds of cattle and horses which he manages with a crew of 40 or 50 old-fashioned cowboys.

He is a delightful spinner of yarns about round-up time, the trail and the chuck wagon—and he can tell his stories in either harvardian English or Castillian Spanish! The distinctive mustache which he sports, his friends says, is his badge of authority among the Vaqueros! He has two sons who have already left home to seek their fortunes elsewhere, and one in college, who is not quite the hawk that his father is, though every bit as handsome and intellectually endowed.

TAXPAYERS' PATIENCE BEING TAXED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. GAYDOS. Mr. Speaker, the American public is being taxed today like it has never been taxed before. Levies on all levels of government have reached the point where the patience of taxpayers is being taxed. Talk of a tax revolt is common.

Equally frustrating to the individual is the submission of the various tax forms to the proper authority. He must return Federal tax forms, State tax forms, county tax forms, school tax forms, local community tax forms. The chore is magnified immensely when the individual also happens to be responsible for the collection of these taxes from his employees.

In McKeesport, the operator of a small restaurant employing 36 people, has reached the end of his rope. Mr. George Riegner has served notice on all taxing authorities he will no longer serve as their tax collector—at least not without pay. Henceforth, he intends to bill the taxing authorities, including the Federal Government, 5 percent for all taxes collected from his employees. He also will levy a penalty charge of one-half of 1 percent per month on overdue bills and if they are not paid within 90 days, he will take whatever legal action is necessary to collect them.

Mr. Speaker, Mr. Riegner's intentions were publicized in an article written by Mr. Robert Wilson for the Daily News of McKeesport. I submit Mr. Wilson's story along with a copy of Mr. Riegner's declaration of independence for the RECORD and call them to the attention of my colleagues:

CLUB CAR DINER,
McKeesport, Pa., May 3, 1971.

To: District Director of Internal Revenue, Pittsburgh, Pa., (Federal withholding and Social Security); Pennsylvania Department of Revenue, Personal Income Tax Bureau (Income Tax); Pennsylvania Department of Revenue, Texas for Education (Sales Tax); Commissioner of Income Tax, City of McKeesport, Pa. (Income Tax); Commissioner of Income Tax, City of McKeesport, Pa. (School District Inc. Tax); Earned Income Tax Collector, Versailles Boro, Pa. (Income Tax); Earned Income Tax Collector, White Oak Boro, Pa. (Income Tax); Earned Income Tax Collector, Dravosburg, Pa. (Income Tax); Earned Income Tax Collector, Coulter, Pa. (Income Tax); Commissioner of Earned Income Tax, McKeesport, Pa. (Occupation Tax).

Gentlemen: I regret that I can no longer serve as a tax collector for the Federal, State or Local municipality without pay. The burden of withholding these taxes from my employee's pay, keeping the proper records, as required by law, compiling and filing the tax forms monthly, quarterly, and annually, and paying same, has become to much.

It occurs to me, that a government that requires by law, that I pay a set minimum wage to my employees, should have no objection to paying me a fair wage for the work and expense that I must endure.

Considering the time involved in keeping and maintaining these records, the cost of the books of record, stamps to mail these forms and money to you, the additional cost to hire an accountant, because of all these taxes, I have decided that a minimum charge would be 5% of the taxes collected.

Attached you will find a bill from Jan. 1, 1971 to March 31, 1971. Henceforth I will bill you monthly. There will be an interest charge of ½% per month on all bills over 30 days. If you can find someone else, or another way to collect this tax, please feel free to make the change!

If this due bill is not paid within 90 days, I shall have to take whatever action is available by law, not excluding withholding from amounts due to you.

Sincerely,

J. RIEGNER.

BUSINESSMAN DEMANDS "PAY" FOR TAX REPORTS

(By Robert Wilson)

Most people are concerned about the growing burden of taxes and the equally burdensome task involved in submitting tax reports to the government.

But, most people aren't doing much about the situation—except gripe.

Not George J. Riegner, an accountant and operator of the Club Car diner on Lysle Blvd.

Mr. Riegner didn't wait for someone to come up with the cliche of "Let George do it." He did it! He served notice on the federal, state and local governments that he no longer will serve as a tax collector without pay. Since taking his stand in a letter dispatched to the various tax collectors, with copies to the President, the Governor, six federal and state legislators and to the mayor of McKeesport and members of City Council. Mr. Riegner has been deluged with phone calls congratulating him for his action.

"Many businessmen have called me and have said they are going to do the same thing," he said.

HIGHER FEE

"One man told me he's going to charge 10 per cent of taxes collected instead of five as I proposed," he continued. "He claims he's a real small businessman and says the duplication of effort in a small business is twice as costly."

Mr. Riegner came to his decision while having dinner at a Monroeville restaurant, one of four in which he holds a partnership.

"Like the majority of the people, I was sitting around complaining about the muddled tax situation and the mountain of paper work required of an employer to file tax reports," he observed. "My partner, Henry Borden, listened for a while and then commented, 'Why don't you bill them?' "

RESTLESS NIGHT

He said he spent a restless night after returning home and kept turning the suggestion over and over in his mind.

"I'd fall asleep and wake up thinking . . . why not bill them."

By Monday night Mr. Riegner had decided, and he sat down and typed out a five-paragraph letter in which he declared that henceforth he would bill the taxing agencies five per cent on all taxes collected from his employees. He also stated that he would levy an interest charge of one-half per cent a month on bills overdue 30 days and would take whatever legal action necessary to collect bills after 90 days.

While turning the pages of a two-inch thick file on the Club Car Diner, where 36 people are employed, Mr. Riegner explained that here in McKeesport, he is required to make reports to satisfy 10 areas of tax collection.

If sales tax is included, a requirement which must be met by all restaurants, the number climbs to 11.

With the state getting into the tax act, Mr. Riegner noted, employers in McKeesport must prepare and file records to comply with the following:

Federal withholding and social security; Pennsylvania withholding; earned income tax for the city of McKeesport and the communities of Versailles, White Oak, Dravosburg and South Versailles Twp., and occupation tax for the city of McKeesport.

Mr. Riegner admits he's allowed one per cent on sales tax collections but said he had to install a $2,600 cash register in the Club Car Diner to handle this tabulation. He is billing the state the four per cent difference on this item of collection.

"The accounting methods required are time-consuming and costly for handling all tax collections," Mr. Riegner exclaimed. He

wouldn't quote a cost figure without a complete check but did say that in most instances employers are required to provide forms and paper over and above that furnished by the various agencies of collection. Mailing and other costs items are expense factors that must be considered, Mr. Riegner said.

As one example alone, he cited federal withholding and social security reports on all employes which must be submitted every three months along with the money. These are submitted to a bank with a depository card.

RECORDS KEPT

Records on all other taxes must be kept to support quarterly claims by the municipalities, Mr. Riegner said. State requirements also will be on a quarterly basis, he added.

Mr. Riegner pointed out that except for the one per cent allowed on sales tax collections, employers and businessmen receive no compensation for the tremendous accounting chore they are forced to carry out.

"The banks are paid a percentage on the quarterly depository and each tax collector of each agency or community receives a percentage payment for the money we send them," he stated.

"Preparation of tax forms is not in any manner rewarding to the employer," according to Mr. Riegner, who added, "You almost need a computer memory bank to keep up with tax collections.

"I am truly concerned over the problem and I have been assured by a number of business associates that they are equally concerned and will act accordingly."

ADDED DUTIES

In addition to the 36 people working at Club Car Diner, Mr. Riegner has to file tax reports on 70 employes at the Red Coach Inn and Diner in Monroeville, 35 employes at Summit Diner in Somerset, 30 employes at Gateway Diner in Wilkins Twp. and two employes in his public accountant office on Versailles Ave.

His stated intent is to improve or change a burdensome situation, but he declined to say if he is concerned about response from various government taxing agencies or if he expects any retaliatory action because of his stand.

Mr. Riegner's letter said, in part:

"I regret that I can no longer serve as a tax collector for the federal, state and local municipality without pay. The burden of withholding these taxes from my employes' pay . . . has become too much.

"It occurs to me that a government that requires . . . that I pay a set minimum wage to my employes should have no objection to paying me a fair wage for the work and expense that I must endure.

"Considering the time involved in keeping and maintaining these records . . . I have decided that a minimum charge would be five per cent of the taxes collected . . . Attached you will find a bill from Jan. 1, 1971, to March 31, 1971. Henceforth I will bill you monthly.

"If this due bill is not paid within 90 days. I shall have to take whatever action is available by law, not excluding withholding amounts due to you."

WEST SENECA CITIZENSHIP TRAINING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. KEMP. Mr. Speaker, while on one of my recent trips back to the 39th District of New York, I had the good fortune to be briefed on the West Seneca Youth Bureau citizenship training program. This is a voluntary program involving youths in trouble with the law for the first time.

Often a young man will make a mistake early in life and carry the record with him the rest of his life much to his distress. The West Seneca program gives a first offender an opportunity to avoid a conviction and to face society with his head held high as long as he avoids future violations.

Mr. Speaker, this is a program that in the long run could save the taxpayers millions, especially if adopted nationally. I therefore include the outline of the program at this point and call it to the attention of my colleagues:

THE CITIZENSHIP TRAINING PROGRAM OF THE WEST SENECA YOUTH BUREAU

A VOLUNTARY PROGRAM

1. The West Seneca Youth Bureau is a multi-function Agency concerned with the prevention, control and treatment of delinquency. This refers to all activities of young people that may bring them into conflict with our Community's laws which have been established for the protection and welfare of all Citizens.

2. The Bureau, as presently constituted, was established in 1970, in accordance with the New York State Youth Commission Act, which provides for matching fund payments by the New York State Division for Youth to the Town of West Seneca for the cost of operation.

3. Experienced Judges and Youth Workers have long felt that in many cases instant dismissal of charges against youths appearing in our Courts was unrealistic, unwarranted and encouragement of future antisocial acts. At the other extreme, the last resort of Jail, Penitentiary and Prison was usually self-defeating in that most of these young people eventually return to their communities hardened and more sophisticated in illegal activity.

4. The exploration of the grey area between the above two extremes led us to the conclusion that a specified period of counseling, *the end result being a Clean Record*, would motivate the errant youth, help him to turn over a new leaf and, at the same time, satisfy society.

5. With this in mind, we have established and are operating a *Group* Counseling Program. This is a Voluntary program called Citizenship Training. This program runs continuously and each youth is expected to attend 15 consecutive meetings. The meetings are held each Saturday, 10 AM–12 Noon, *or* at the discretion of the Group Leader.

6. Primarily, our clientele consists of youths in trouble with the Law *for the first time*. We will not be involved with Felony or Car Theft Cases. (On some occasions, we will have first-time probationers, at the discretion and recommendation of our Justices of the Peace. The motivation for the probationers will be to reduce their period of probation.)

7. As far as content is concerned, Citizenship Training will involve our group meeting in a relaxed, informal atmosphere where ideas will be shared and exchanged. Youths with a "hang-up" will feel free to ventilate their hostilities, their frustrations and their feelings in general. One aspect of life that may deeply disturb one youth may be something easily understood and handled by another youth, and the latter youth can therefore be of help to the first young person. No subject will be taboo or sacrosanct, and the young people will derive as much benefit as effort that they put into the meetings.

8. Since the 15-week term of this program is actually an adjournment of the case, the youth will return to the presiding Judge after he has completed Citizenship Training. The Judge will be duly apprised of his cooperation and the final determination of the case will be made. Should the charge be dismissed, we will be pleased to write a letter of recommendation for the youth, when such is needed. In the future, he must admit his arrest; however, our letter will indicate that his legal difficulty "was only a charge, not a conviction".

9. To you who have been referred to Citizenship Training, be advised:

WE WANT TO KEEP YOUR RECORD CLEAN!

Should you not have a clean record, you may have trouble the rest of your life in such instances as:

1. Enlisting in the U.S. Armed Forces
2. Each time you fill out an employment application
3. Each time you apply to a school or college
4. Each time you attempt to take a Civil Service examination
5. Each time you apply for a Professional license
6. Each time you apply for a Passport
7. When you apply for a license to run a store, delicatessen, tavern, restaurant, liquor store, etc., etc.
8. Even a Suspended Sentence, which frees you, can cause you difficulty in getting a license simply to drive a taxi.

FLORIDA SCIENTISTS OPPOSE BARGE CANAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. YOUNG of Florida. Mr. Speaker, 126 Florida scientists have joined in support of President Nixon's decision to halt permanently construction of the controversial Cross-Florida Barge Canal.

While proponents of the canal continue in their futile efforts to resurrect this dead project, evidence pours in from many sources backing the President's finding that the proposed ditch across Florida would do irreparable damage to the State's environment.

Writing recently to the Governor of Florida in opposition to the canal were 31 environmental scientists from Florida State University, 42 from the University of Florida, 18 from the University of Miami, 12 from the University of South Florida in Tampa, and 23 from other colleges throughout the State, and Florida scientists at large.

Because their views are important in understanding the issues at stake in the unprecedented decision to halt the barge canal, I am placing their letter in the RECORD for the consideration of my fellow Congressmen:

FLORIDA DEFENDERS OF THE ENVIRONMENT, INC.,
Gainesville, Fla., May 3, 1971.

The GOVERNOR,
State of Florida,
Tallahassee, Fla.

DEAR GOVERNOR ASKEW: We commend your recent endorsement of the policy to permit no public works construction in Florida unless the environmental impact of such projects has been given full consideration.

We believe that the recently abolished Cross-Florida Barge Canal project will stand as a classic example of the reckless degradation of the natural environment which, until now, has been allowed to go on throughout Florida. Reports and recommendations released by the President's Council on Environmental Quality, the U.S. Geological Survey, the U.S. Forest Service, the Florida Game and Fresh Water Fish Commission, and the Florida Defenders of the Environment, Inc. make it clearly evident that if the Cross-Florida Barge Canal had been completed it would not only have destroyed the magnificent Oklawaha River Valley, but also would have threatened the quality of the water supply in part of the vital Florida aquifer.

President Nixon spoke of the Oklawaha as "a natural treasure" when he moved to protect its "unusual and unique natural beauty". We applaud the recent statement of the U.S. Forest Service that it will do everything possible to protect the wild scenic values of the river and will probably recommend that it be included in the National System of Wild and Scenic Rivers. Immediate positive action is needed by the State of Florida to insure the protection of the as yet undamaged reaches of the Oklawaha, and to rehabilitate that portion already severely damaged by the flooding of the Rodman impoundment. This impoundment is destroying 15 lineal miles of irreplaceable river bottom forest, which is absolutely essential to maintenance of the scenic and wildlife values of the Oklawaha. Both the U.S. Forest Service and the Florida Game and Fresh Water Fish Commission in their statements of April 1 and 16 have recommended drawing down the Rodman impoundment to save the remaining trees there and speed the restoration of the forest and its wildlife.

Mr. Nixon took the first step to "prevent a past mistake from causing permanent damage". Now, may we urge you to endorse the immediate lowering of the Rodman impoundment, and to give impetus to the move to include Florida's Oklawaha River Valley in the National System of Wild and Scenic Rivers.

We hope you will continue to exert your leadership in behalf of the Florida environment.

Sincerely,

LIST OF SUPPORTING SCIENTISTS

Henry C. Aldrich, Ph. D., Asst. Prof., Botany, Univ. of Florida.

Taylor R. Alexander, Ph. D., Prof., Botany, Univ. of Miami.

Marvin R. Alvarez, Ph. D., Assoc. Prof., Biology, Univ. of South Florida.

Walter Auffenberg, Ph. D., Chairman, Dept. of Natural Sciences, Fla. State Mus., Univ. of Florida.

Oliver L. Austin, Jr., Ph. D., Curator Ornithology, Fla. State Mus., Univ. of Florida.

Konrad Bachmann, Ph. D., Assoc. Prof., Biology, Univ. of South Florida.

Lewis Berner, Ph. D., Acting Director, Div. Biological Sciences, Univ. of Florida.

N. Eldred Bingham, Ph. D., Prof., Science Education, Univ. of Florida.

John C. Briggs, Ph. D., Chairman and Prof., Zoology, Univ. of South Florida.

Larry N. Brown, Ph. D., Assoc. Prof., Zoology, Univ. of South Florida.

Wm. R. Bullard, Jr., Ph. D., Assoc. Curator, Archaeology, Fla. State Mus., Univ. of Florida.

Tom Bullock, Ph. D., Assoc. Prof., Electrical Engineering & Nuclear Engineering Sc., Univ. of Florida.

Derek Burch, Ph. D., Assoc. Prof., Biology, Univ. of South Florida.

Norton L. Burdick, Ph. D., Asst. Prof., Biological Science, Florida State Univ.

A. G. Bush, Ph. D., Prof. of Science, Rollins College.

F. G. Butcher, Ph.D., Prof., Biology, Univ. of Miami.

J. Byram, M.S., Asst. Prof., Biological Science, Florida State Univ.

Charles W. Caillouet, Ph.D., Assoc. Prof., Div. Fishery Sciences, Univ. of Miami.

John A. Calden, Ph.D., Asst. Prof., Oceanography, Florida State Univ.

David K. Caldwell, Ph.D., Ecologist, Aquatic Biologist, Int. Research Assoc. Prof. and head, Div. Animal Communication, Communication Sciences Laboratory, Univ. of Florida.

Howard W. Campbell, Ph.D., Int. Asst. Prof., Zoology, Univ. of Florida.

Archie Carr, Ph.D., Grad. Research Prof., Biology, Univ. of Florida.

Andre F. Clewell, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

George W. Cornwell, Ph.D., Assoc. Prof., Wildlife Ecology, Univ. of Florida.

Bruce C. Cowell, PhD., Asst. Prof., Biology, Univ. of South Florida.

Clark I. Cross., Ph.D., Assoc. Prof., Geography, Univ. of Florida.

F. C. Craighead, Sr., Ph.D., Adjunct Prof., Univ. of Miami.

Allan D. Cruickshank, Ornithologist, National Audubon Society.

Joseph S. Davis, Ph.D., Assoc. Prof., Botany, Univ. of Florida.

Clinton J. Dawes, Ph.D., Assoc. Prof., Biology, Univ. of South Florida.

A. Gib DeBusk, Ph.D., Prof., Biological Science, Florida State Univ.

Siwo R. DeKloet, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

James J. Dinsmore, Ph.D., Interim Asst. Prof., Zoology, Univ. of Florida.

Robert M. DeWitt, Ph.D., Prof. and Acting Chairman, Dept. Zoology, Univ. of Florida.

E. W. Eads, M.A., Director, Education & Training, AFGTR, Patrick Air Force Base.

Llewellyn M. Erhart, Ph.D., Asst. Prof., Biology, Florida Technological Univ.

Charles F. Eickenberg, M.S., Prof., Microbiology, Florida Southern College.

Ollie I. Elgerd, D.Sc., Prof., Dept. Electrical Engineering, Univ. of Florida.

Loretta C. Ellias, Ph. D., Assoc. Prof., Microbiology, Florida State Univ.

Thomas C. Emmel, Ph.D., Asst. Prof., Zoology, Univ. of Florida.

William Evoy, Ph.D., Assoc. Prof., Biology, Univ. of Miami.

Jack W. Fell, Ph.D., Asst. Prof., Institute of Marine and Atmospheric Science, Univ. of Miami.

Ray Fox, Ph.D., Asst. Prof., Dept. Biological Science, Florida State Univ.

Emrich Friedmann, Ph.D., Assoc. Prof., Dept. Biological Science, Florida State Univ.

John B. Funderburg, Ph.D., Assoc. Prof., Biology, Florida Southern College.

John F. Gamble, Ph.D., Assoc. Prof., Environmental Engineering, Univ. of Florida.

James T. Giesel, Ph.D., Asst. Prof., Zoology, Univ. of Florida.

Margaret L. Gilbert, Ph.D., Prof. & Chairman, Dept. Biology, Florida Southern College.

Robert K. Godfrey, Ph.D., Prof. & Assoc. Chairman, Dept. Biological Science, Florida State Univ.

Lane M. Goodson, M.S., Prof., Mathematics, Florida Southern College.

Michael John Greenberg, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

Leonard J. Greenfield, Ph.D., Chairman, Biology Dept., Univ. of Miami.

Samuel Gurin, Ph.D., Prof., Biochemistry and Biological Sciences, Univ. of Florida.

Verne L. Harper, Ph.D., Prof., Forestry, Univ. of Florida.

Robert C. Harriss, Ph.D., Director, Marine Laboratory, Florida State Univ.

Ronald H. Hofstetter, Ph.D., Ecologist, Dept. Biology, Univ. of Miami.

Peter H. Homann, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

Mary Noka Hood, Ph.D., Prof., Microbiology, Florida State Univ.

Thomas S. Hopkins, Ph.D., Assoc. Prof. and Chairman, Faculty of Biology, Univ. of West Florida.

E. S. Iversen, Ph.D., Assoc. Prof., Div. Fishery Sciences, Univ. of Miami.

F. Clifford Johnson, Ph.D., Assoc. Prof., Zoology, Univ. of Florida.

M. P. Johnson, Ph.D., Asst. Prof., Biological Sciences, Florida State Univ.

David W. Johnston, Ph.D., Assoc. Prof., Biological Science, Univ. of Florida.

Herbert W. Kale II, Ph.D., Vertebrate Ecologist, Ft. Pierce, Florida.

John H. Kaufmann, Ph.D., Assoc. Prof., Zoology, Univ. of Florida.

Carmine A. Lanciani, Ph.D., Asst. Prof., Zoology, Univ. of Florida.

Albert M. Laessle, Ph.D., Assoc. Prof., Zoology, Univ. of Florida.

Edward T. Laroe, Ph.D., Research Scientist, School of Marine and Atmospheric Sciences, Univ. of Miami.

W. Henry Leigh, Ph.D., Prof., Biology, Univ. of Miami.

R. J. Light, Ph.D., Asst. Prof., Biological Science, Florida State Univ.

Harry Lipner, Ph.D., Prof., Dept. Biological Science, Florida State Univ.

James E. Lloyd, Ph.D., Assoc. Prof., Biological Science, Univ. of Florida.

Robert W. Long, Ph.D., Chairman and Prof., Botany and Bacteriology, Univ. of South Florida.

Ariel Lugo, Ph.D., Asst. Prof., Ecology, Univ. of Florida.

Grace C. Madsen, Ph.D., Assoc. Prof., Biology, Florida State Univ.

Richard M. Mariscal, Ph.D., Asst. Prof., Biological Science, Florida State Univ.

Arthur R. Marshall, M.S., Director, Applied Ecology & Center for Urban Studies, Univ. of Miami.

Wm. M. McLane, Ph.D., Florida Aquatic Nurs. Ltd., Plantation, Florida.

Margaret Y. Menzel, Ph.D., Prof., Biological Science, Florida State Univ.

Frank Maturo, Jr., Ph.D., Assoc. Prof., Zoology, Univ. of Florida.

Winston Menzel, Ph.D., Prof., Biological Oceanography, Florida State Univ.

Andrew J. Meyerriecks, Ph.D., Assoc. Prof., Dept. Biology, Univ. of South Florida.

Martin Mifflin, Ph.D., Assoc. Prof., Geology, Univ. of Florida.

E. Morton Miller, Ph.D., Prof., Zoology, Univ. of Miami.

Margaret J. Mustard, Ph.D., Prof., Botany, Univ. of Miami.

James L. Nation, Ph.D., Assoc. Prof., Dept. Entomology and Nematology, Univ. of Florida.

Larry H. Ogren, B.S., Fishery Biologist, National Marine Fisheries Service, Panama City, Florida.

Howard Thomas Odum, Ph.D., Grad. Research Prof., Dept. Environmental Engineering, Univ. of Florida.

Anne L. Pates, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

Maurice W. Provost, Ph.D., Administrator, Entomological Research Center Vero Beach, Florida.

Patrick J. Purcell, B.S., Director, Marine Science Station, Crystal River, Florida.

Anthony Randazzo, Ph.D., Asst. Prof., Geology, Univ. of Florida.

Michael R. Reeve, Ph.D., Asst. Prof., Functional Biology, Univ. of Miami.

Jonathan Reiskind, Ph.D., Asst. Prof., Zoology, Univ. of Florida.

David C. Rife, Ph.D., Assoc. Prof., Botany, Univ. of Florida.

Jack J. Rudloe, Pres., Gulf Specimen Co., Inc., Panacea, Florida.

George B. Saunders, Ph.D., Ecologist and Research Biologist, Englewood, Florida.

H. E. Schultz, M.S., V. Pres., Florida Chemical Co., Inc., Winter Haven, Florida.

Leland Shandor, Ph.D., Prof. and Chairman, Dept. Botany, Univ. of Florida.

Harley B. Sherman, Ph.D., Vertebrate Ecologist, De Land, Florida.

Daniel Simberloff, Ph.D., Asst. Prof., Biological Science, Florida State Univ.

Joseph L. Simon, Ph.D., Asst. Prof., Biology, Univ. of South Florida.

Harold W. Sims, Jr., M.S., Marine Ecology, St. Petersburg Jr. College.

Charles Stasek, Ph.D., Assoc. Prof., Biology, Florida State Univ.

Jan C. Stays, Ph.D., Research Scientist, Univ. of Miami.

Henry M. Stevenson, Ph.S., Assoc. Prof., Biological Science, Florida State Univ.

Allan R. Stickley, Jr., M.S., Research Biologist, Gainesville, Florida.

Johan H. Stuy, Ph.D., Assoc. Prof., Biological Science, Florida State Univ.

Kenneth R. Swinford, Ph.D., Prof., Forestry, Univ. of Florida.

J. Herbert Taylor, Ph.D., Prof., Biological Science, Institute for Molecular Biophysics, Florida State Univ.

Sam Telford, Ph.D., Asst. Prof., Biological Science, Univ. of Florida.

Fred G. Thompson, Ph.D., Asst. Curator, Fla. State Univ., Univ. of Florida.

Walter R. Tschinkel, Ph.D., Asst. Prof., Biological Science, Florida State Univ.

Paul A. Vestal, Ph.D., Chairman, Dept. Biological Sciences, Rollins College.

Gilbert L. Voss, Ph.D., Prof., and Chairman, Dept. of Biology, Univ. of Miami.

S. David Webb, Ph.D., Assoc. Curator, Fla. State Mus., Univ. of Florida.

James P. Weidner, Research Assoc., Chemical Engineering, Reed Laboratory, Univ. of Florida.

Lutz J. Wiese, Ph.D., Assoc. Prof., Dept. Biological Science, Florida State Univ.

John W. Winchester, Ph.D., Prof. and Chairman, Dept. Oceanography, Florida State Univ.

Elizabeth S. Wing, Ph.D., Dept. of Natural Science, Fla. State Mus., Univ. of Florida.

Glen Wolfenden, Ph.D., Assoc. Prof., Zoology, Univ. of South Florida.

Ralph W. Yerger, Ph.D., Prof., Biological Science, Florida State Univ.

David K. Young, Ph.D., Asst. Prof., Biology, Univ. of South Florida.

George K. Reid, Ph.D., Prof., Biology, Florida Presbyterian College.

James Layne, Ph.D., Director, Research, Archbold Biological Station, Lake Placid, Florida.

David S. Anthony, Ph.D., Assoc. Prof., Botany, Univ. of Florida.

TRUTH IN NEWS BROADCASTING: TELEVISION'S MANUFACTURED NEWS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MINSHALL. Mr. Speaker, Jenkin Lloyd Jones' recent comments on the television news media underscores the need for enactment of my truth-in-news-broadcasting bill, H.R. 6935:

[From the Evening Star, May 15, 1971]

JENKIN LLOYD JONES—TELEVISION'S MANUFACTURED NEWS

Malcolm Muggeridge, former editor of the British magazine Punch, has described the camera as "the most easily manipulated and plausible instrument for deceiving our fellows ever to be devised."

There is much truth in this. If you take 100 candid camera photographs of any person over a period of an hour you can, by proper selection, portray him as intelligent, stupid, sly, sincere, balanced or insane. 'Ware to the man who swallows the old saw: "Pictures don't lie." They lie like Ananias.

But where the still camera can produce only static lies, the motion picture or television camera can produce lies of dramatic power and apparent authenticity. When you snip out the footage of the mob hurling stones at the police and retain only that showing the police countercharging against the mob, you have created a legend out of real life—the brutal forces of the Establishment hitting the unoffending and defensive people.

This was accomplished many times in the television coverage of the riots at the Democratic National Convention in Chicago.

Not long ago in London, Jerry Rubin, the Yippie leader and general revolutionary, made a statement that should get him an "A" for perspicacity. He said:

"Television creates myths bigger than reality . . . The medium does not report news; it creates it. An event happens when it goes on television and becomes myth."

"Happens." "Myth."

In a speech last month to the American Society of Newspaper Editors, Muggeridge told of walking back to his hotel in New York City and encountering a crowd of bearded males and lib-females lounging on the sidewalks next to stacks of signs. A police wagon, presided over by yawning officers, stood by.

When Muggeridge asked one of the crowd why nothing was going on he was told by one of them that the cameras hadn't yet arrived. Sure enough, in his hotel room that evening Muggeridge watched and listened as a TV newscaster breathlessly described how young New Yorkers had exploded in fury at America's immoral involvement in Vietnam. The Camera zoomed in on police loading frantic demonstrators into the wagon.

Is this "news"? Or is it a contrived happening for calculated propaganda effect to which television networks have wholeheartedly lent themselves?

This monkey business is, quite naturally, beginning to draw something more than lifted eyebrows, particularly since revelation of the doctored interviews of a curious thing on CBS called "The Selling of the Pentagon."

The defense reaction is interesting, too. When Spiro Agnew lashed out against tilted TV coverage he was denounced for attempting to stifle the medium and for trying to rape freedom of expression.

Yet network news is a commodity, sold for profit, just like automobiles. There is a strange contradiction in canonizing Ralph Nader for his criticism of one commercial product, while damning Agnew for criticizing the other.

Even if there were no thumbs on the scale, it is a question whether the nature of commercial television could permit anything other than a distorted view of America.

Televsion is theater. It is a dramatic medium. The salability of any newscast depends on how well it can hold its audience against competing newscasts being aired simultaneously.

A newspaper can afford the dull but informative story. TV news can't The uninterested newspaper reader can be off to the sports pages or the lovelorn column. But television can give the viewer only one thing at a time. The uninterested may switch channels, diminishing the cash value of the station's news product.

Thus, TV is pushed inexorably and quite logically into greater exposure of the loud, the irresponsible and the violent. It's better theater. No Western drama could hold an audience with the common sale of a hundred steer at the town stockyards. It is the attempted theft of the hundred steer and the shoot-out between rustlers and posse that hold the audience.

Hence, there is growing among those oriented to video-news a concept of a disintegrating America, so corrupt, so rotten that maybe it ought to be burned down.

The United States not only faces the threat of Russian ICBMs. It is beginning to be a question whether it can survive ABC, CBS and NBC.

SUPERSONIC TRANSPORT

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MOLLOHAN. Mr. Speaker, while many of us have debated the relative merits of continuing our investment in the supersonic transport, the size of our present and past investment and the hope to protect that investment have been of concern to me. For, unless we complete the prototype, we really have no way of salvaging the investment in knowledge and research that has been started.

This it seems to me is the key question in the debate on the SST, and that point is very cogently put forth by an editorial which appeared in the May 14 Wheeling Intelligencer. I recommend this to my colleagues regardless of which way they have voted on this question.

I include the article as follows:

HOUSE CHOOSES LESSER EVIL IN REVERSING ITS EXECUTION DECISION

This newspaper is opposed on principle to the use of public money to assist private enterprise. In the case of the SST, however, it believes the House of Representatives acted wisely in reversing its earlier vote for termination of the big supersonic plane's development.

A number of factors swing the scales, we believe, in favor of continuation of the project. For one thing, there is a measure of international status and conceivably ultimate national welfare at stake. The commercial supersonic plane does represent the next step forward in air transportation. England and France have test flown their version of the air monster. Russia is moving in the same direction. It is not a matter of life and death, perhaps, but it can be argued with some persuasiveness that we should have a comparable craft readied. That consideration, no doubt, was the motivating factor at the time the joint enterprise was undertaken.

Then there is to consider the economic consequence of shutting down the big operation and throwing thousands of men out of work. The depressing influence already is apparent, both psychologically and actually, as thousands of men have been idled in anticipation of the windup. Employment and economic activity, we agree, should not be dependent on government money. But they are. For good or ill this is the course we have chosen in this Country. It is a fact of life which must be faced in such decisions as the SST confronts us with.

Finally—and this to us is the compelling factor—the value of the plane aside, it would be less wasteful to go on with it than to scrap it. We have spent nearly a billion dollars of public money on the project thus far. It would cost, it is estimated, roughly $85 million more to wind it down and put the unfinished plane in mothballs. The original estimate of total cost to the Government for the undertaking was $1.5 billion. It now is estimated that the cost of resuming the interrupted work would add from $130 million to $150 million to this figure and delay the original schedule of a March, 1973 test flight by nine months.

But we would have the plane. If we quit now we will have nothing but some salvage of questionable value or a mechanical invalid to maintain in a costly state of suspended animation while the debate over what to do next raged endlessly in and out of Congress.